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AUG 29 2005

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Fax No.: 571-273-8300

From: Mark A. Dalla Valle

Confirmation No.: 571-272-4200

Date: August 29, 2005

Sender's Ext.: 7620

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Total Pages: 41

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Message:

U.S. Patent No. 6,911,989, Issued June 28, 2005
Docket No. 11461.00.0175 (P05619)

I hereby certify that this correspondence; Petition To Correct PTA (8 pages), PAIR pages (2 pages) copies of previously submitted documents (stamped returned postcard and formal drawings; 19 pages), Notice of Allowance (10 pages) and copies of previously submitted documents (stamped returned postcard and replacement sheets; 19 pages) are being facsimile transmitted to the United States Patent and Trademark Office on August 29, 2005.



Mark A. Dalla Valle
Reg. No. 34,147

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AUG 29 2005

U.S. Patent No. 6,911,989 B1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Peyman Hojabri

Patent No.: 6,911,989

Application No.: 10/622,613

Issued: June 28, 2005

Filed: July 18, 2003

For: HALFTONE CONTROLLER
CIRCUITRY FOR VIDEO
SIGNAL DURING ON-SCREEN-
DISPLAY (OSD) WINDOW

Group Art Unit: 2676

Examiner: Wesner Sajous

Confirmation No.: 2632

PETITION TO CORRECT
PATENT TERM ADJUSTMENTMail Stop Patent Ext.
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile 571-273-8300

08/31/2005 HDENESS2 00000019 220259 6911989

01 FC:1455 200.00 DA

Sir:

This Petition, submitted pursuant to 37 C.F.R. § 1.705(d), seeks correction of the patent term adjustment of 11 days indicated in U.S. Patent No. 6,911,989 B1 ("the '989 Patent"). It is respectfully requested that Assignee be afforded a patent term adjustment of 131 days.

In accordance with Rule 1.705(d):

1. The notice of allowance indicates a patent term adjustment of 131 days and was subsequently revised prior to issuance.
2. This request for reconsideration of the patent term adjustment is respectfully filed within two months of the date the '989 Patent issued.
3. Assignee submits herewith the fee (\$200) set forth in 37 C.F.R.

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- § 1.18(e) as required by 37 C.F.R. §§ 1.705(d) and 1.705(b)(1).
4. Assignee submits herewith a statement of the facts as required by 37 C.F.R. §§ 1.705(d) and 1.705(b)(2) including statements indicating that:
- a) the correct patent term adjustment is 131 days, the basis for the adjustment under § 1.702, the relevant dates as specified in §§ 1.703(a)-(e) and the adjustment as specified in § 1.703(f);
 - b) the patent is not subject to a terminal disclaimer; and
 - c) there are no circumstances during prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.
5. This request for reconsideration does not raise issues that were raised or could have been raised in an application for patent term adjustment under 37 C.F.R. § 1.705(b) because the patent term adjustment indicated in the notice of allowance is proper, and should not have been revised prior to issuance.

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.705(d)**A. Statement of the Facts**

Assignee respectfully submits that the correct patent term adjustment is 131 days and requests correction of the erroneous term printed in the '989 Patent. In support, Assignee has included in this petition a copy of: (1) the "Patent Term Adjustment History" printed from PAIR ("PTA History"); (2) the stamped return postcard and the seventeen sheets of formal drawings filed on September 9, 2003 ("2003 Drawings"); (3) the Notice of Allowance mailed January 27, 2005 ("Notice of Allowance"); and (4) the stamped return postcard and the seventeen replacements sheets of formal drawings filed on February 25, 2005 ("2005 Replacement Drawings").

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PATENT*i. §§ 1.702-1.703 Delays Attributable to the Patent Office*

Assignee respectfully submits that the basis for adjustment under Patent Rule 1.702 is the failure of the Office to “[m]ail at least one of a notification under 35 U.S.C. [§] 132 or a notice of allowance under 35 U.S.C. [§] 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. [§] 111(a) . . .” 37 C.F.R. § 1.702(a)(1) (2004). As indicated by the attached documents, Assignee filed the application (which later matured into the ‘989 Patent) under 35 U.S.C. § 111(a) on July 18, 2003. More than fourteen months later, the Patent Office (“Office”) first responded to Assignee’s July 18, 2003 filing in the January 27, 2005 Notice of Allowance.

As a result, the period of adjustment under Rule 1.702(a) is the sum of “[t]he number of days . . . in the period beginning on the day after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. [§] 111(a) . . . and ending on the date of mailing of either an action under 35 U.S.C. [§] 132, or a notice of allowance under 35 U.S.C. [§] 151, whichever occurs first.” 37 C.F.R. § 1.703(a)(1). September 19, 2004 is day after the date that is fourteen months after the application was filed. The Notice of Allowance, the first response from the Office, was mailed on January 27, 2005. Therefore, the proper period of adjustment is the sum of the days beginning on September 19, 2004 and ending on January 27, 2005. The period of adjustment under 37 C.F.R. § 1.702 is 131 days. Because there are no overlapping grounds for adjustment under 37 C.F.R. § 703, Patent Rule 1.703(f) is not applicable.

ii. § 1.704 Delays Attributable to the Assignee

Although Assignee respectfully submits that there are no circumstances during prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704, Assignee acknowledges that the PTA History indicates a 120 day delay attributable to Assignee. It appears that the Office relied on 37 C.F.R. § 1.704(c)(10) in basing its determination.

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As illustrated in the 2003 Drawings, Figures 1 and 2, representative of prior art, were labeled "Fig. 1" and "Fig. 2", respectively. (2003 Drawings). However, in the Notice of Allowance, the Office required Assignee to "label figures 1 and 2 as 'Prior Art' . . . [i]n order to avoid abandonment of the application" The Notice of Allowance further noted that "the drawings figures [sic] filed 7/18/2003 are not in formality for printing (i.e., they are informal)." (Notice of Allowance ¶ 2).

In order to avoid abandonment of the application and, therefore, to further prosecution, Assignee complied with the Notice of Allowance even though no provision of the Patent Act or Code of Federal Regulations requires the action requested in the Notice of Allowance. See 37 C.F.R. §§ 1.81-1.84. On February 25, 2005, Assignee filed the 2005 Replacement Drawings which replaced the labels of Figures 1 and 2 with "Fig. 1 (Prior Art)" and "Fig. 2 (Prior Art)." (2005 Replacement Drawings). No other changes to the drawings were made in this amendment. *Id.*

Because Assignee submitted the 2005 Replacement Drawings after the Notice of Allowance, the Office penalized Assignee under 37 C.F.R. § 1.704(c)(10) which states that a "[s]ubmission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed" is a "circumstance that constitute[s] a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application." Applying 37 C.F.R. §§ 1.704(c)(10)(i-ii), four months is shorter than the period of time "beginning on the date the amendment under § 1.312 or other paper was filed [February, 25, 2005] and ending on the mailing date of the Office action or notice in response to the amendment under § 1.312 or such other paper [June 28, 2005]." Therefore, the Office reduced the period of adjustment set forth in § 1.703 by 120 days. The patent term adjustment was reduced from 131 days to 11 days.

iii. Terminal Disclaimer Status & Non-applicability of § 1.705(b)

Assignee respectfully submits that no terminal disclaimer was filed in the present case. Additionally, Assignee submits that this request for reconsideration

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could not have been raised under 37 C.F.R. § 1.705(b). Rule 1.705(b) applies only to a "request for reconsideration of the patent term adjustment indicated in the notice of allowance . . . [and] must be filed no later than the payment of the issue fee. . . ." 37 C.F.R. § 1.705(b). Because the Notice of Allowance indicated the proper patent term adjustment of 131 days and because the alleged 120 day delay occurred after the Notice of Allowance, Assignee had no access to Rule 1.705(b)

B. Request for Reconsideration under § 1.705(d)

Assignee respectfully submits that the proper patent term adjustment is 131 days. Assignee should not receive a reduced period of adjustment under Rule 1.704 because Assignee merely complied with the Notice of Allowance in an attempt to further prosecution even though Assignee was under no obligation to comply with the Office's demand for replacement drawings. Furthermore, because any response to the Notice of Allowance contesting the request would have also triggered the application of 37 C.F.R. § 1.704(c)(10), Assignee acted with the best interest of concluding prosecution by complying with the Notice of Allowance.

As set forth in the fact section above, neither the Patent Act nor the Code of Federal Regulations requires patent applicants to label prior art drawings with the words "prior art." Therefore, Assignee respectfully submits that the Notice of Allowance improperly requested Assignee to submit replacement drawings. Furthermore, Assignee notes that the Office's characterization of the 2003 Drawings as "informal" in the Notice of Allowance was further in error.

As indicated above, Assignee properly filed formal drawings in conformance with 37 C.F.R. §§ 1.81-1.84 and was nonetheless confronted with the Notice of Allowance that subjectively requested an additional submission in order to make the drawings formal for printing. In order to avoid abandonment and, therefore, to further prosecution, Assignee complied with the Notice of Allowance even though it lacked any basis in law. It appears inconsistent for the Office to improperly request replacement drawings and then subsequently penalize Assignee for compliance therewith where the submission of the 2005 Replacement Drawings was motivated by the sole desire to conclude examination.

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Moreover, the only plausible interpretation of Patent Rule 1.704(c)(10) that supports the Office's determination of the 120 day delay is one defined by an overly strict rule of construction. That is, only a strict and literal reading of the rule lends itself to penalizing Assignee in the present matter. However, official Office literature suggests that Rule 1.704(c)(10) should be construed fairly to promote justice. For instance, in the Official Gazette published June 26, 2001, the Office specifically noted that not all papers "filed after a notice of allowance cause substantial interference and delay in the patent issue process." Nicholas P. Godici, *Clarification of 37 C.F.R. 1.704(c)(10) – Reduction of Patent Term Adjustment for Certain Types of Papers Filed After a Notice of Allowance has been Mailed*, OG 26 June 2001 ¶ 2 (2001), <http://www.uspto.gov/web/offices/com/sol/og/2001/week26/patecfr1.htm>. To illustrate this policy, the Office noted that certain papers, such as the filing of a response to the examiner's reasons for allowance and letters indicating a power of attorney, "do not cause substantial interference and delay in the patent issue process." *Id.* at ¶ 3. In contrast, requests for refund, status letters, and unsolicited or required drawings do delay the prosecution phase and result in a delay attributable to the applicant. *Id.* at ¶ 4.

While the present scenario is not addressed in the Official Gazette published June 26, 2001, the literature interpreting Rule 1.704(c)(10) supports Assignee's contention that only those submissions that substantially delay prosecution should result in a reduction of patent term adjustment. As indicated above, the 2005 Replacement Drawings were neither required by law nor submitted pursuant to Assignee's own volition. In contrast, the Office arbitrarily required a cosmetic amendment for approval of Assignee's drawings. It can hardly be said that compliance with such a request in an attempt to complete examination is an unreasonable failure by Assignee to further prosecution.

Additionally, Assignee respectfully notes that the Notice of Allowance improperly and unfairly placed Assignee in a situation wherein any communication with the Office in response to the request contained therein would result in a delay

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under a strict interpretation of 37 C.F.R. § 1.704(c)(10). For instance and as illustrated above, the mere compliance with the request would and did result in a delay under the Rule. However, a letter questioning the Office's authority to request for replacement drawings would be classified as an "other paper" submitted after notice of allowance and result in a delay for similar reasons. Assignee chose to provide the Office with the cosmetic amendment instead of contesting its authority to require the 2005 Replacement Drawings. Surely, Assignee took the route that most clearly advanced prosecution. Because any action by the Assignee would trigger the application of the rule and because the request was without a basis in law, Assignee should not be penalized for choosing the lesser of two evils in an attempt to expedite the patent issue process.

In summary, the Assignee merely complied with the Notice of Allowance even though it lacked any basis in law. Because Rule 1.704(c)(10) should be liberally construed to promote equity, Assignee's actions must be considered reasonable efforts to conclude prosecution. Moreover, any alternative option available to Assignee would similarly and unfairly result in a delay under 37 C.F.R. § 1.704(c)(10). As a result of the foregoing, Assignee respectfully requests reconsideration of the patent term adjustment as indicated in the issued patent. Specifically, Assignee requests that the patent term adjustment properly account for the 131 days of administrative delay by the Office.

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Please charge the cost of the fee (\$200) to the PTO deposit account of
Vedder, Price, Kaufman & Kammholz, P.C., account number 22-0259.

Respectfully submitted,

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

Date: August 29, 2005

By: 

Mark A. Dalla Valle
Reg. No. 34,147

Attorney for Assignee
222 N. LaSalle St.
Chicago, IL 60601
Telephone: 312-609-7500
Facsimile: 312-609-5005
Customer No. 23418
Atty. Docket: P05619
(11461.00.0175)



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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 10/622,613

			Days
Filing or 371(c) Date:	07-18-2003	USPTO Delay (PTO):	131
Issue Date of Patent:	06-28-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	120
Post-Issue Petitions (days):	+0	Total PTA:	11
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
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Maintenance Statement - View 12 year payment window
Published Documents

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
06-28-2005	Patent Issue Date Used in PTA Calculation		
05-26-2005	Receipt into Pubs		
05-26-2005	Dispatch to FDC		
05-26-2005	Application Is Considered Ready for Issue		
02-25-2005	Workflow - Drawings Finished		120
04-20-2005	Issue Fee Payment Verified		
04-20-2005	Issue Fee Payment Received		
04-14-2005	Receipt into Pubs		
02-22-2005	Workflow - File Sent to Contractor		
02-18-2005	Workflow - File Sent to Contractor		
01-27-2005	Mail Notice of Allowance	131	
01-27-2005	Mail Formal Drawings Required	↑	
01-27-2005	Mail Examiner's Amendment	↑	
01-24-2005	Issue Revision Completed	↑	
01-24-2005	Formal Drawings Required	↑	
01-24-2005	Notice of Allowance Data Verification Completed	↑	
01-24-2005	Examiner's Amendment Communication	↑	
11-15-2004	Case Docketed to Examiner in GAU	↑	

03-11-2004	IFW TSS Processing by Tech Center Complete	↑	
03-10-2004	Reference capture on IDS	↑	
09-08-2003	Information Disclosure Statement (IDS) Filed	↑	
09-08-2003	New or Additional Drawing Filed	↑	
03-10-2004	Case Docketed to Examiner in GAU	↑	
12-02-2003	Transfer Inquiry to GAU	↑	
10-20-2003	Application Return from OIPE	↑	
10-20-2003	Application Return TO OIPE	↑	
10-17-2003	Application Dispatched from OIPE	↑	
10-20-2003	Application Is Now Complete	↑	
07-18-2003	PGPubs nonPub Request	↑	
10-08-2003	Cleared by OIPE CSR	↑	
08-22-2003	IFW Scan & PACR Auto Security Review	↑	
07-18-2003	Initial Exam Team nn	↑	

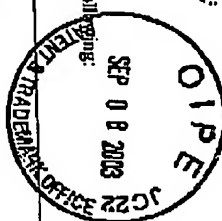
Title: HALFTONE CONTROLLER CIRCUITRY FOR VIDEO SIGNAL DURING AN ON-SCREEN-DISPLAY
(OSD) WINDOW

Attorney: Mark A. Dalia Valle
Docket No.: P05619 (11461.00.0175)
Pat./Ser. No.: 10/622,613

Mailed: September 5, 2003
Due: C/M No.: 11461.00.0175

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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The stamp of the U.S. Pat. & Trademark Office hereupon acknowledges receipt of the following:

<input type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Request for
<input type="checkbox"/> Patent Application (pages; claims)	<input type="checkbox"/> Status Inquiry
<input checked="" type="checkbox"/> Drawings (17 sheets)	<input checked="" type="checkbox"/> Certificate of Mailing
<input type="checkbox"/> Declaration (pages)	<input type="checkbox"/> Certificate under § 3.73(b)
<input type="checkbox"/> Assignment w/Form PTO-1595 (pages)	<input type="checkbox"/> Certificate of Correction
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Petition
<input type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Issue Fee - Form PTO-85 (in duplicate)
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Nonpublication Request
<input checked="" type="checkbox"/> Cited References (10 references)	<input type="checkbox"/> Revocation of POA, Change of Correspondence Address
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<input type="checkbox"/> Amendment/Response (pages)	<input checked="" type="checkbox"/> Other: Formal Drawings Transmittal Sheet
<input type="checkbox"/> Request for Extension of Time (months)	<input checked="" type="checkbox"/> Other: Information Disclosure Statement Cover Sheet
<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Notice of Appeal	
<input type="checkbox"/> Appeal Brief (in triplicate)	
<input type="checkbox"/> Maintenance Fee Transmittal	

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-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 29 2005

In re Patent Application of)	Group Art Unit: N/A
PEYMAN HOJABRI)	
Application No. 10/622,613)	TRANSMITTAL OF FORMAL
Filed: July 18, 2003	)	<u>DRAWINGS</u>
For: HALFTONE CONTROLLER)	
CIRCUITRY FOR VIDEO SIGNAL	)	Vedder, Price, Kaufman &
DURING ON-SCREEN-DISPLAY	)	Kammholz, P.C.
(OSD) WINDOW	)	222 North LaSalle Street
	)	Chicago, Illinois 60601
	)	(312) 609-7500

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are seventeen (17) sheets of formal drawings for filing in the above-referenced case.

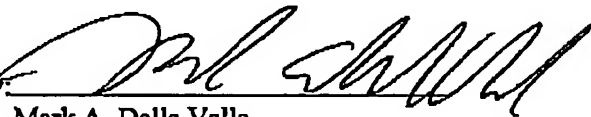
The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 22-0259. A duplicate copy of this sheet is enclosed for this purpose.

Respectfully submitted,

VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

Dated: September 5, 2003

By:

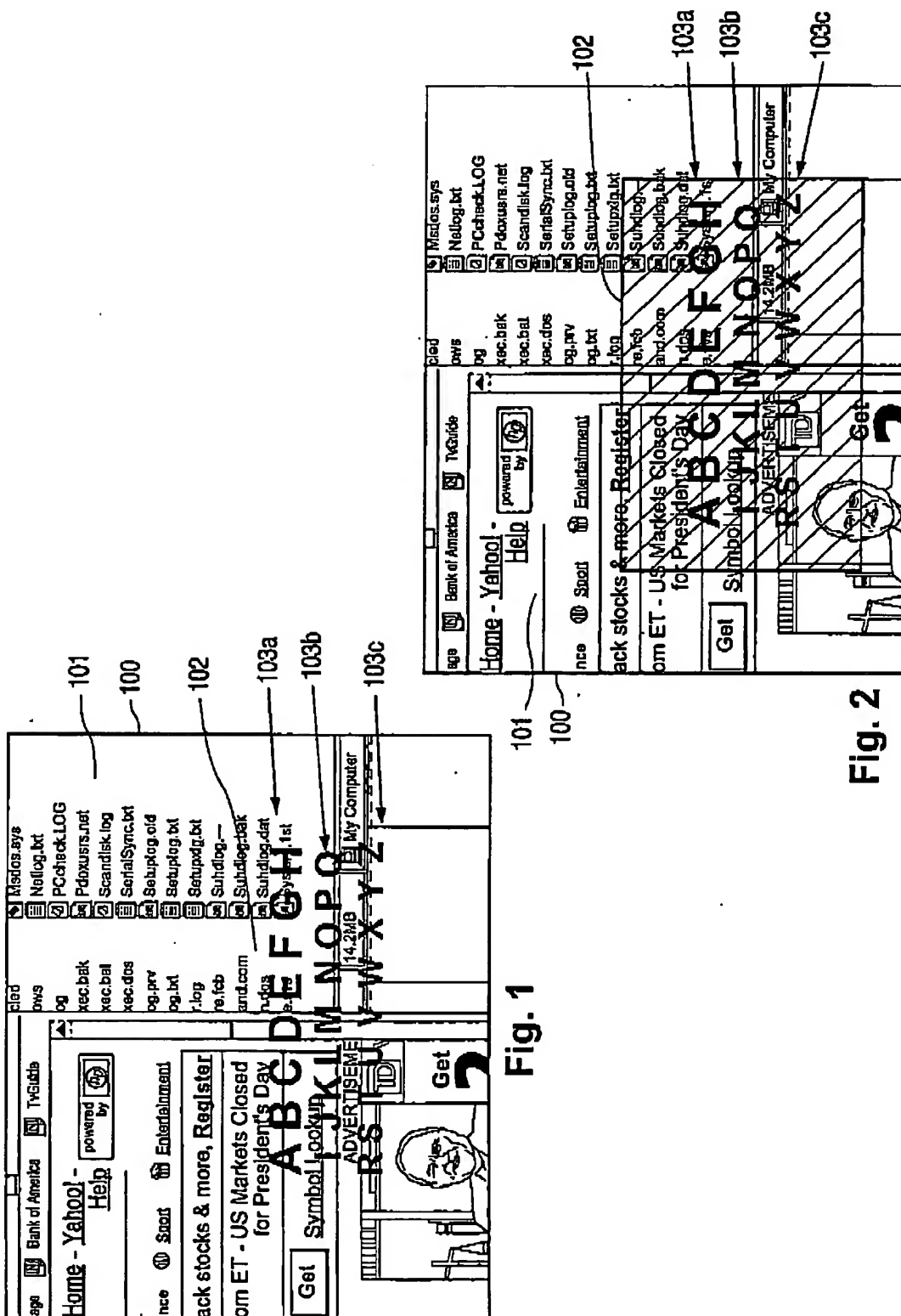

Mark A. Dalla Valle
Reg. No. 34,147

Attorney for Applicant(s)

Atty. Docket No: P05619 (11461.00.0175)

CHICAGO

CHICAGO/#1137719.1



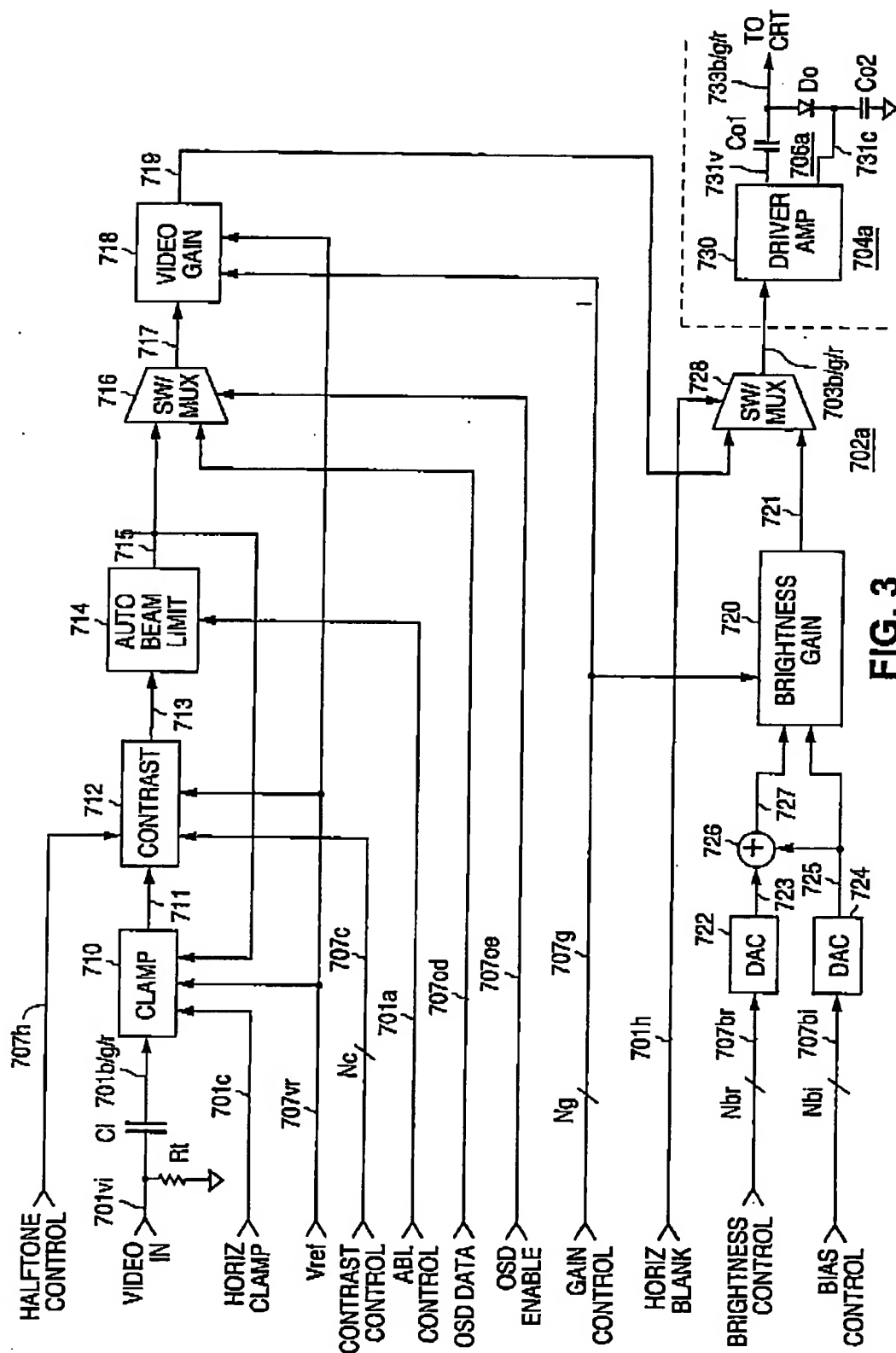


FIG. 3

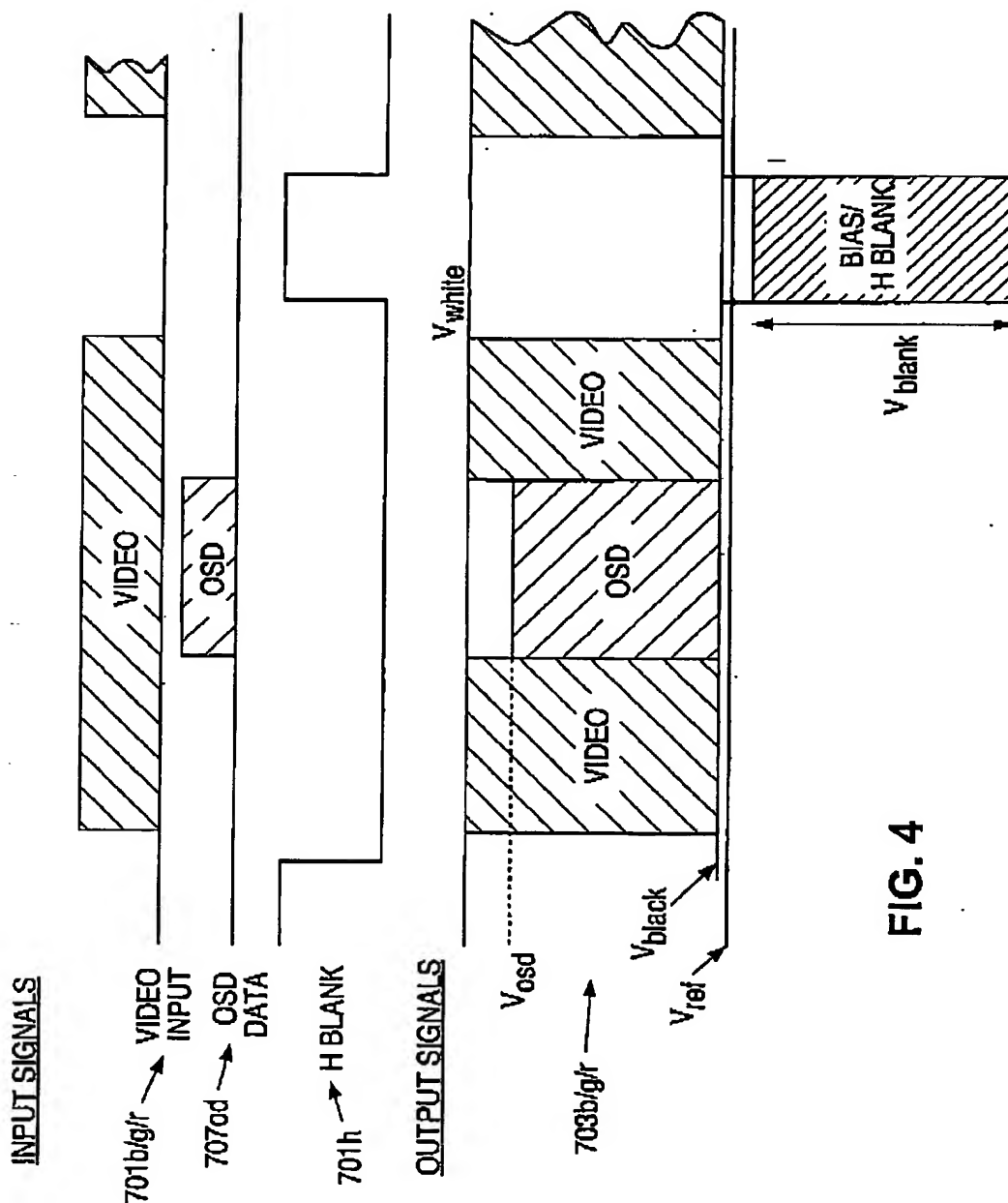


FIG. 4

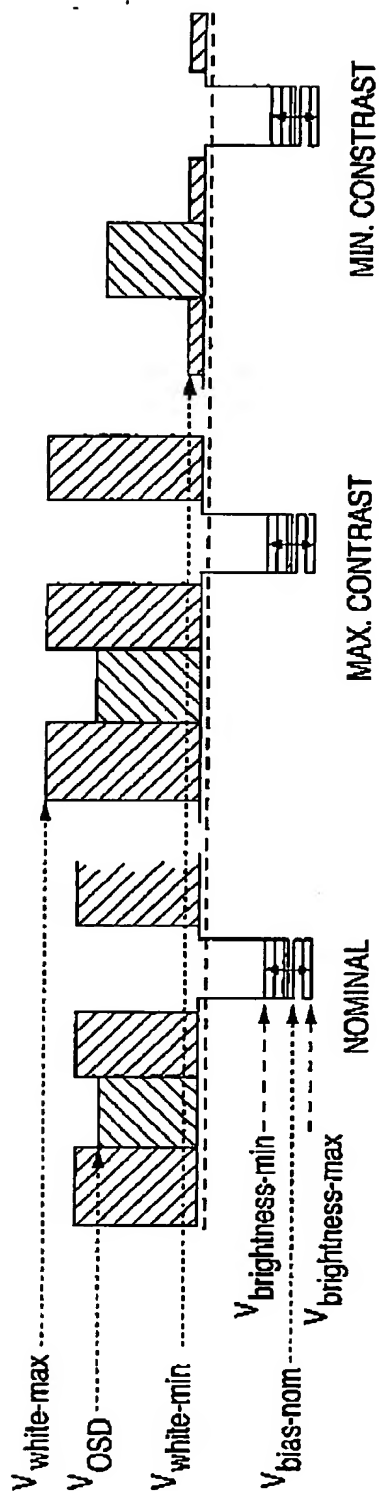


FIG. 5

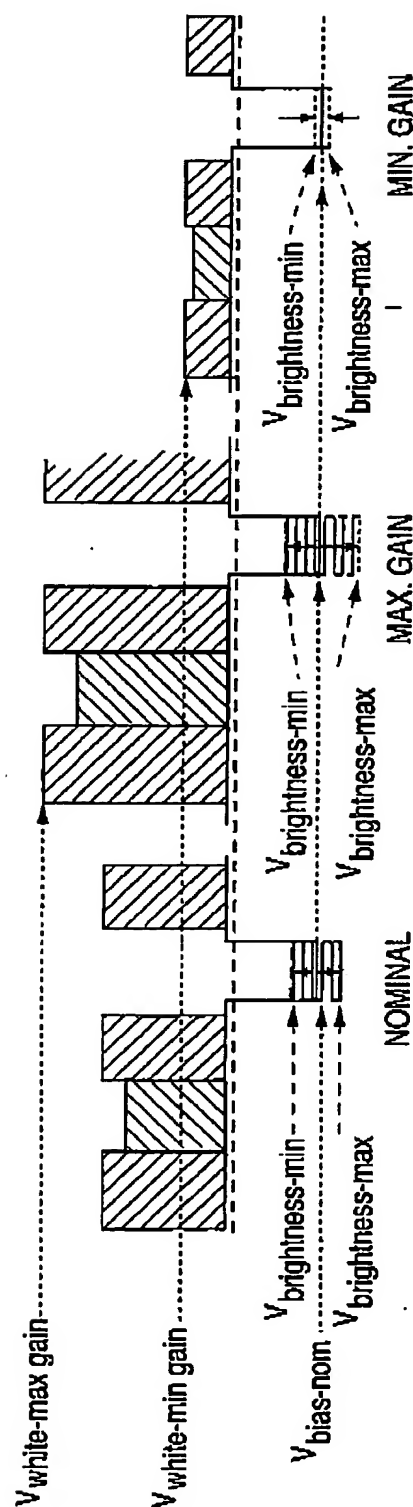


FIG. 6

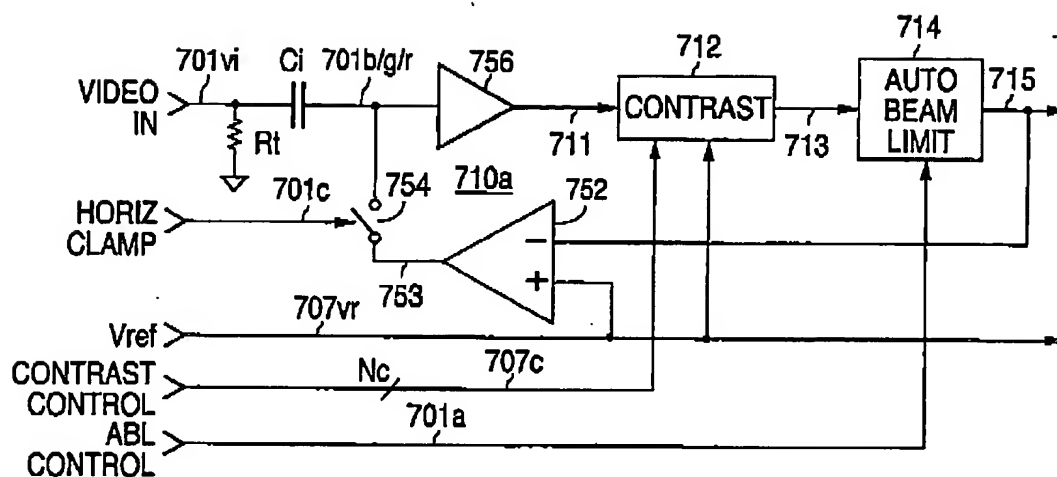


FIG. 7

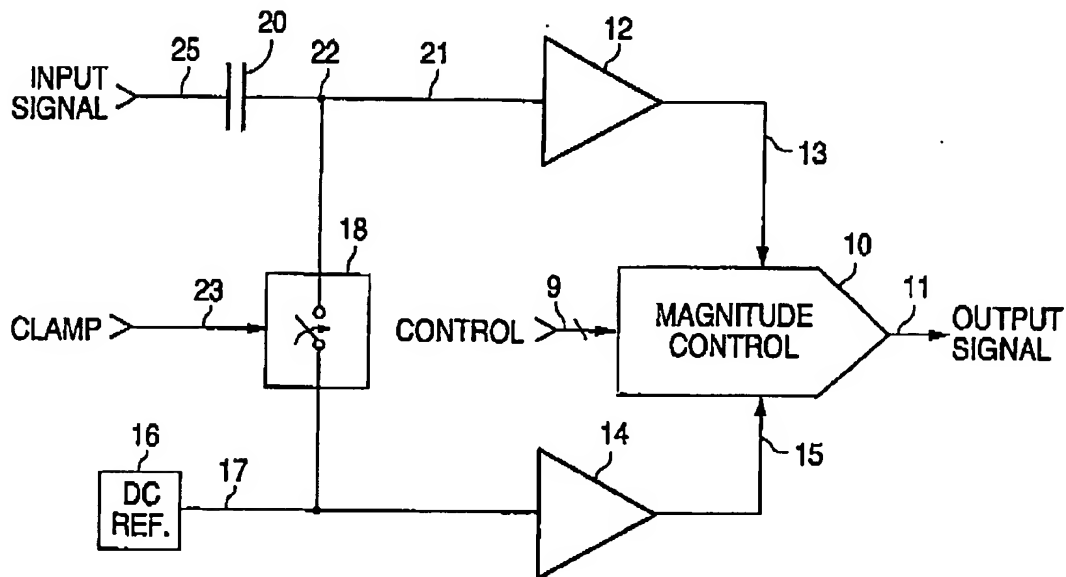


FIG. 8

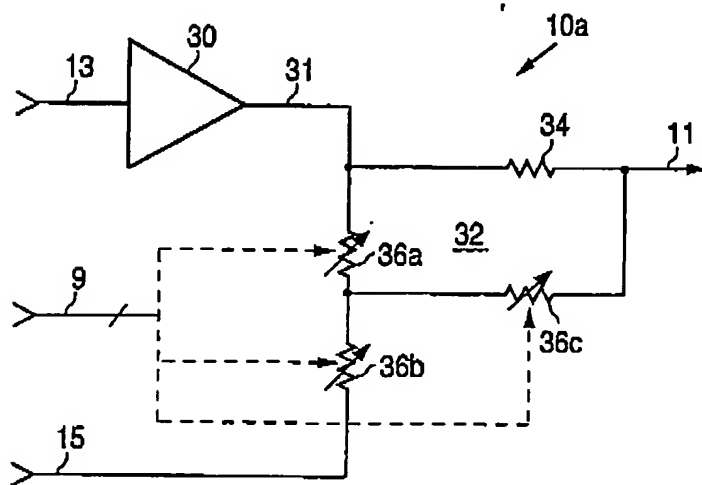


FIG. 9

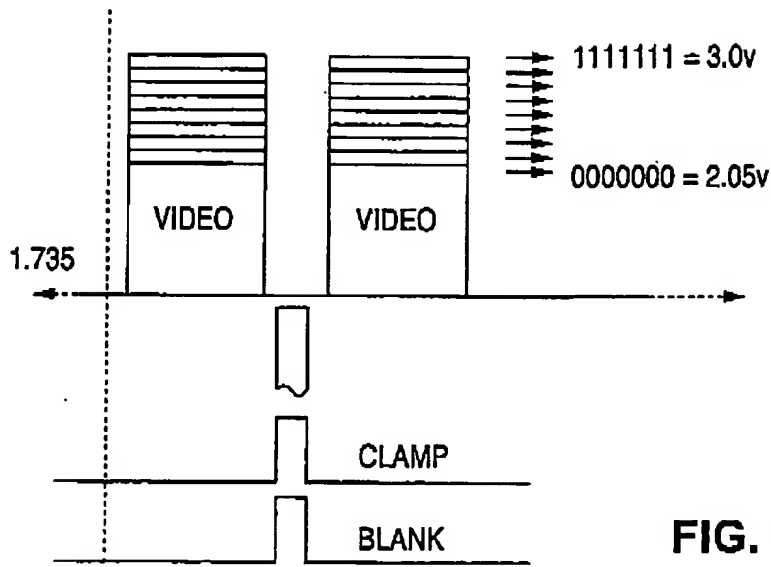


FIG. 10

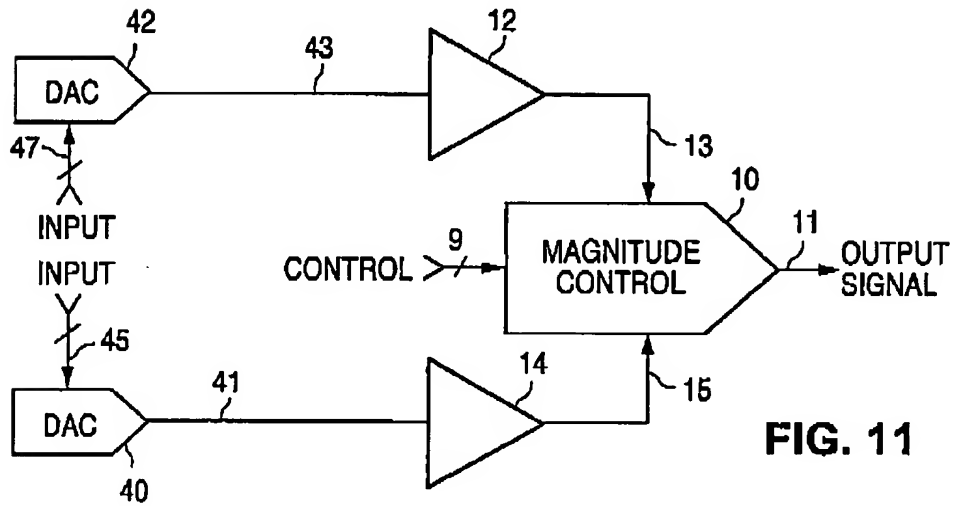


FIG. 11

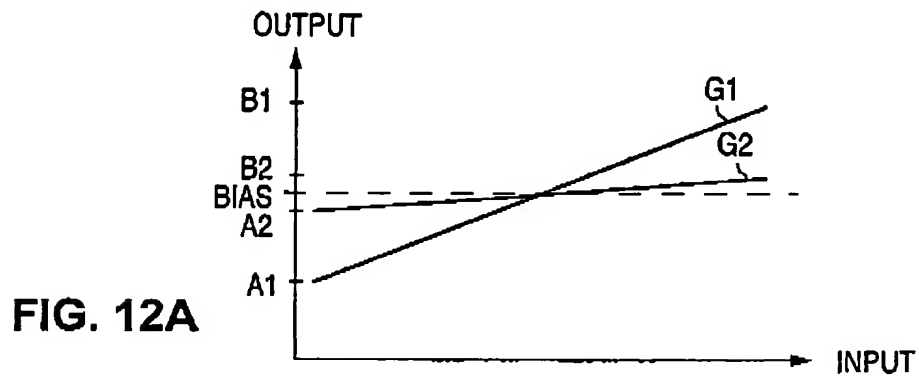


FIG. 12A

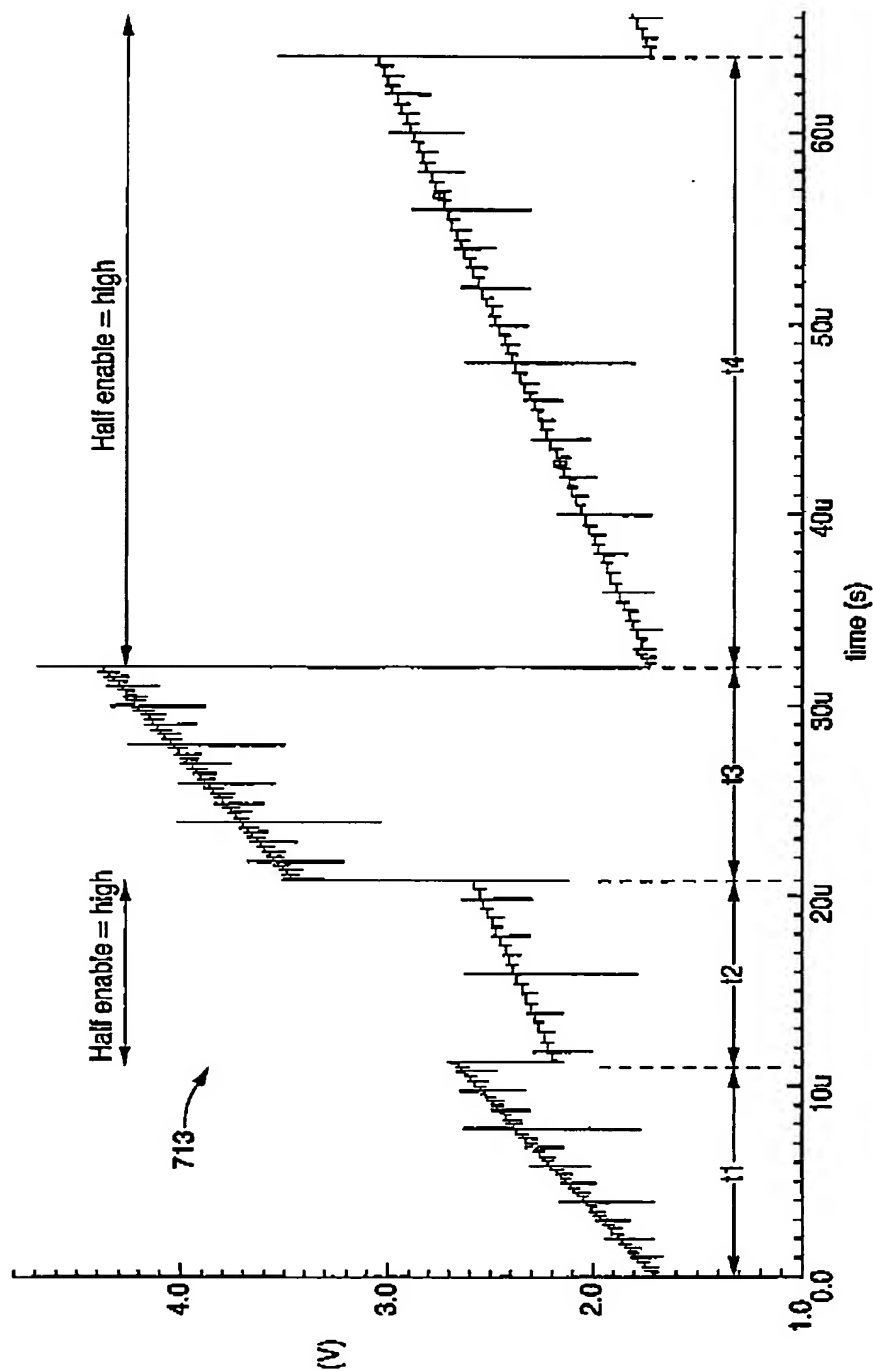
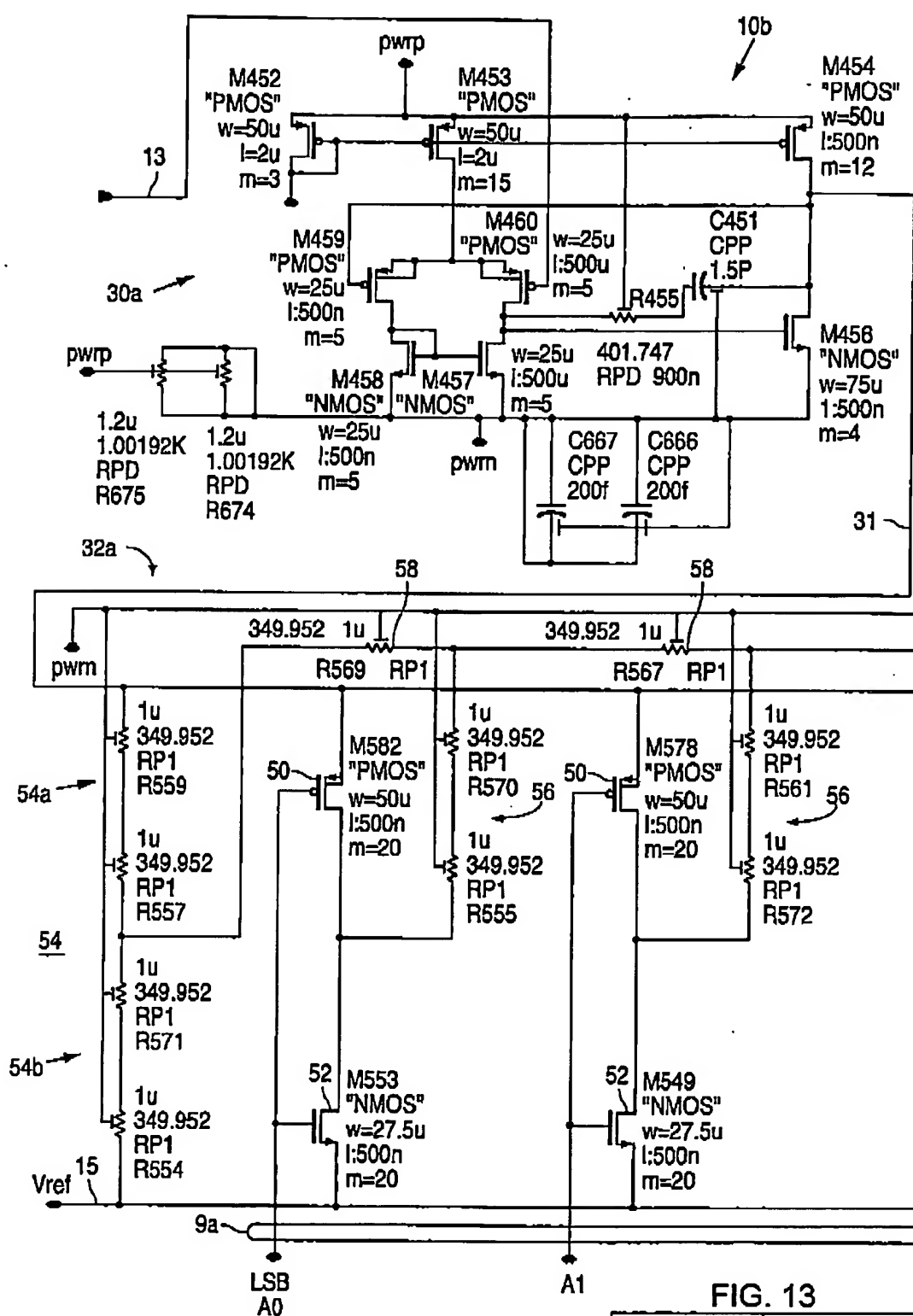


FIG. 12B



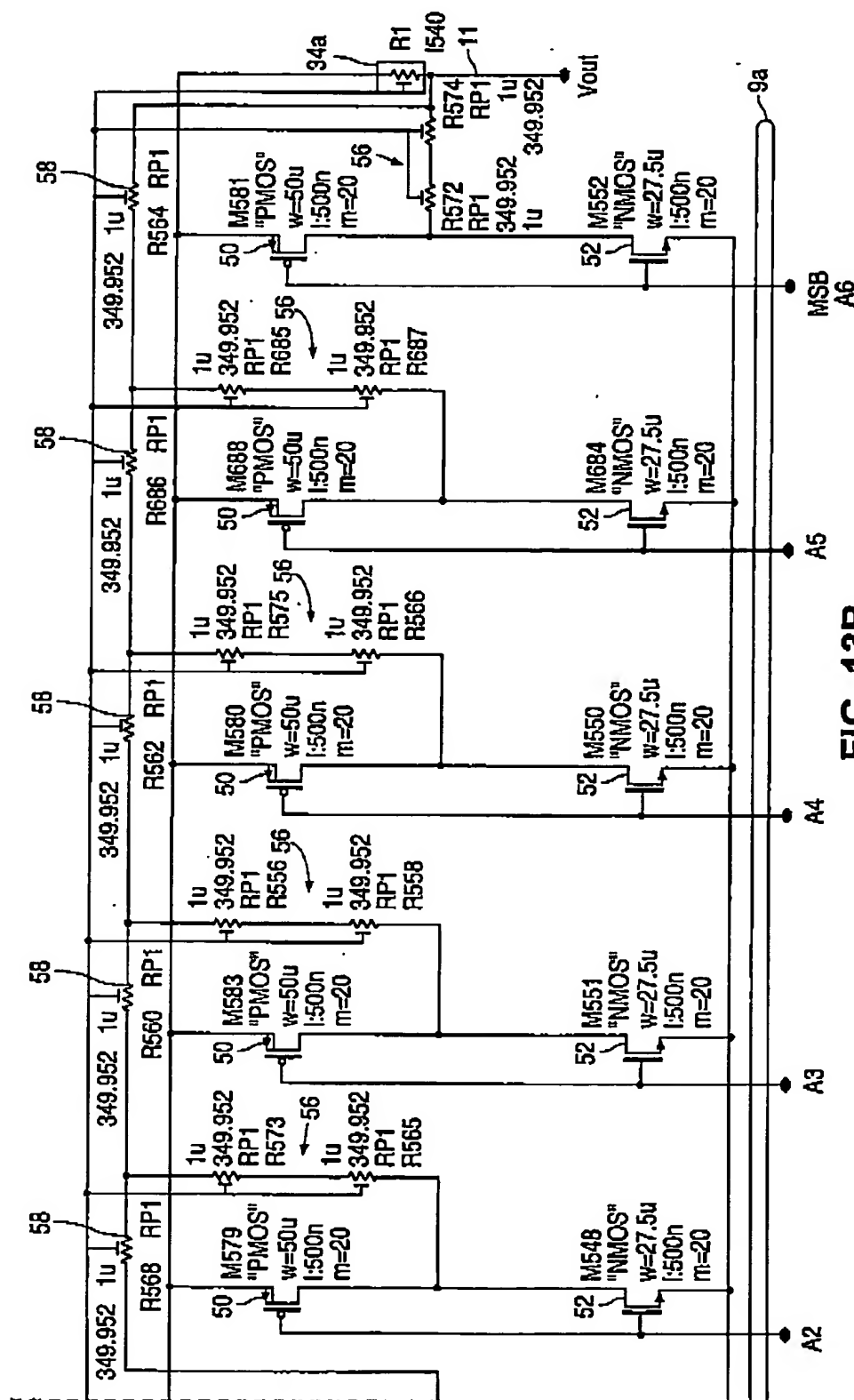


FIG. 13B

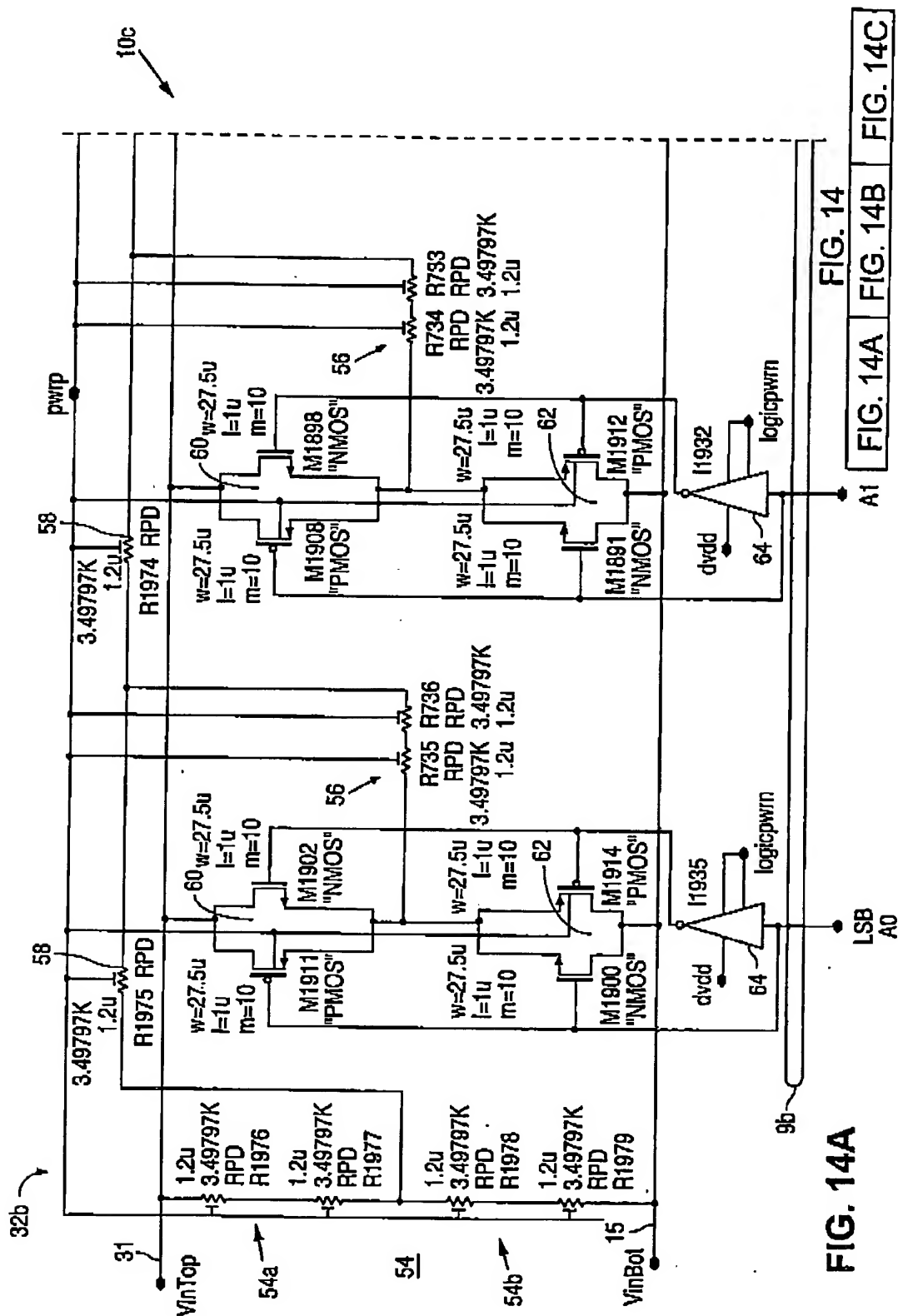


FIG. 14A

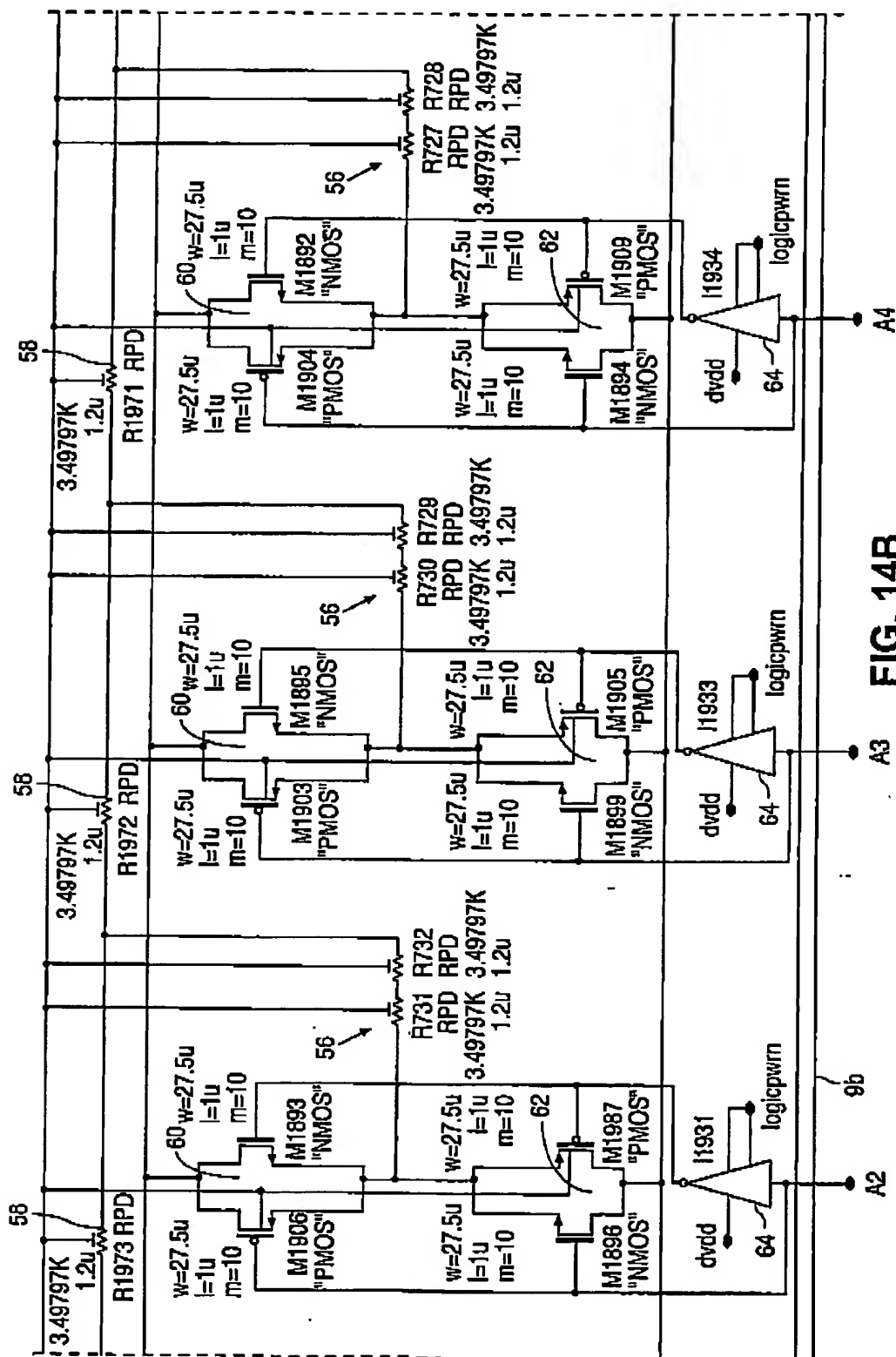


FIG. 14B

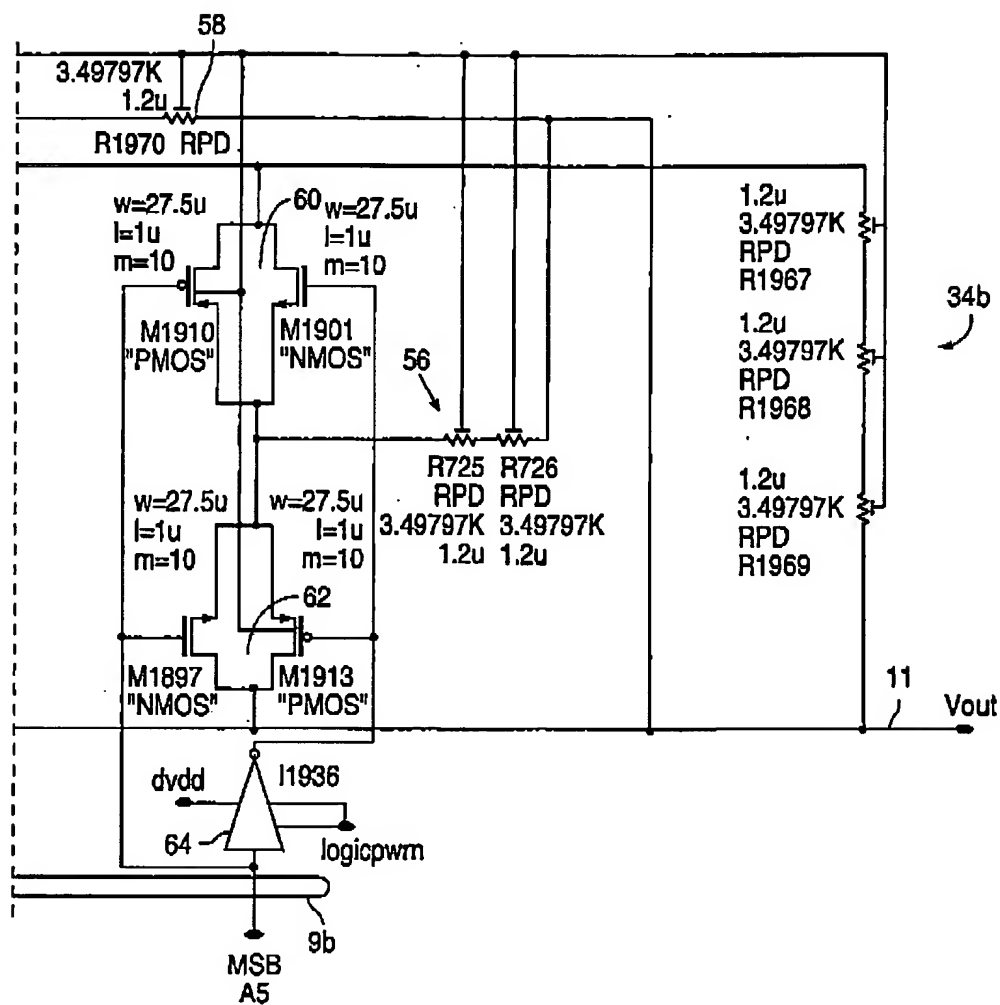


FIG. 14C

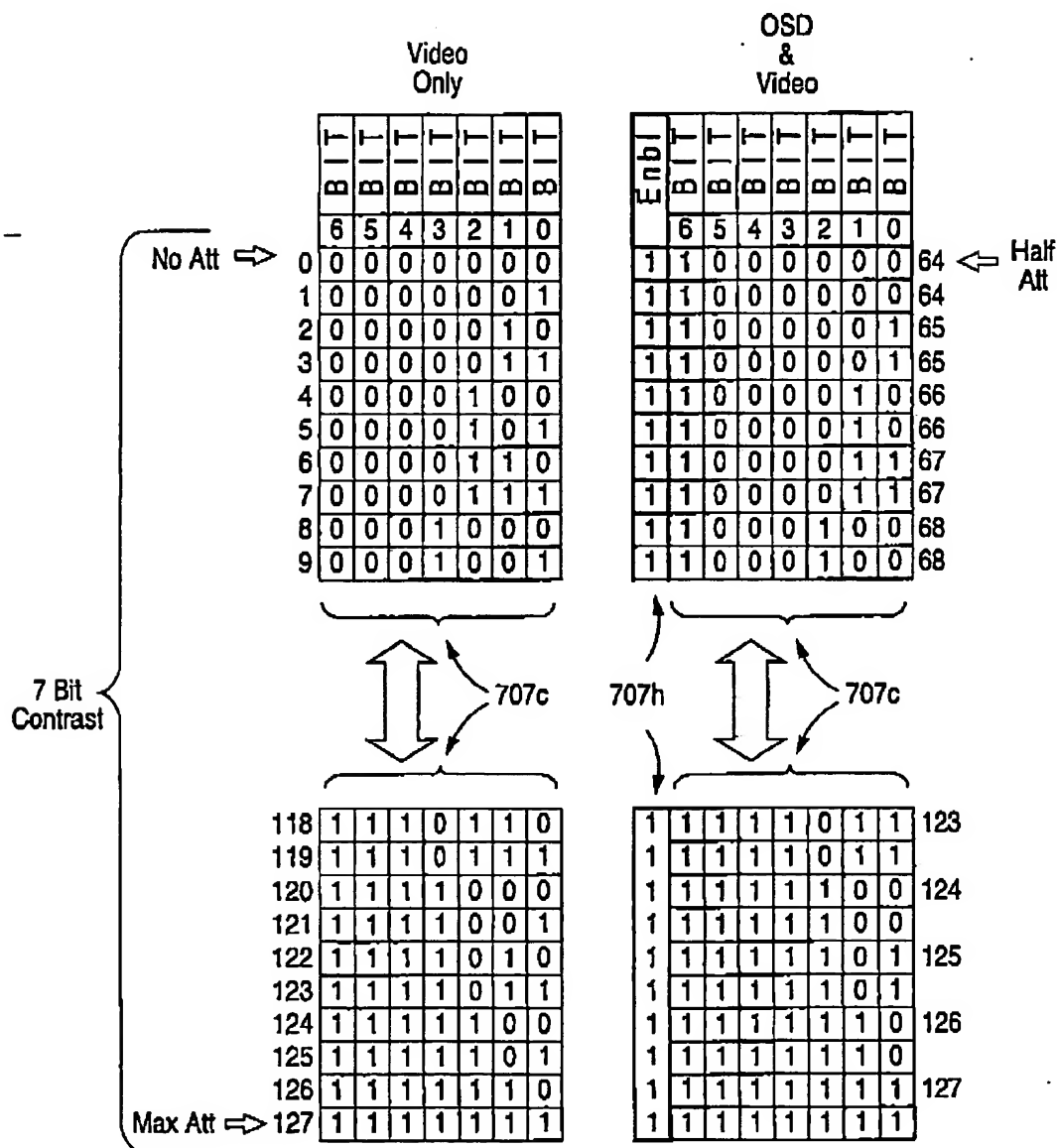


FIG. 15

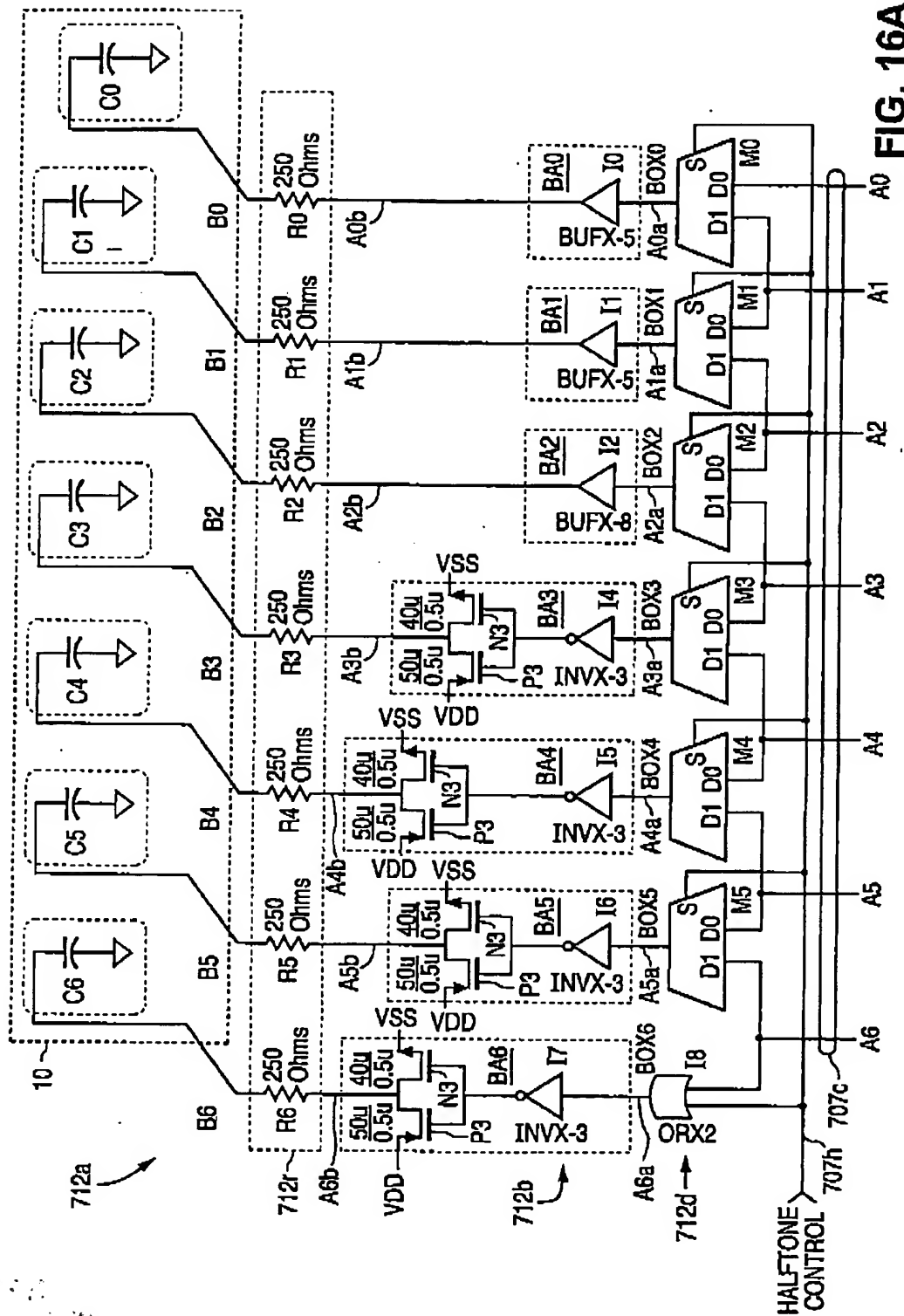


FIG. 16A

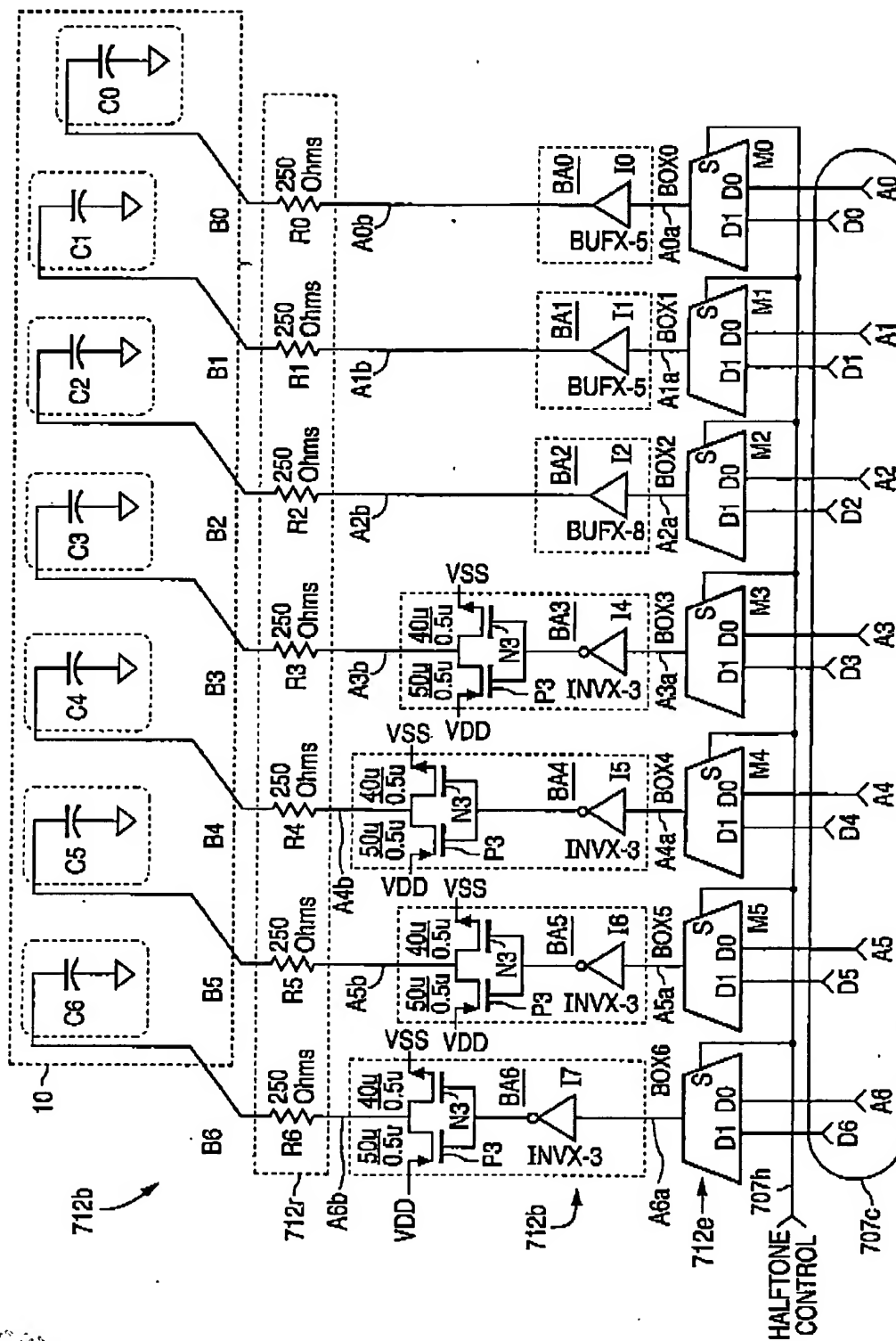


FIG. 16B

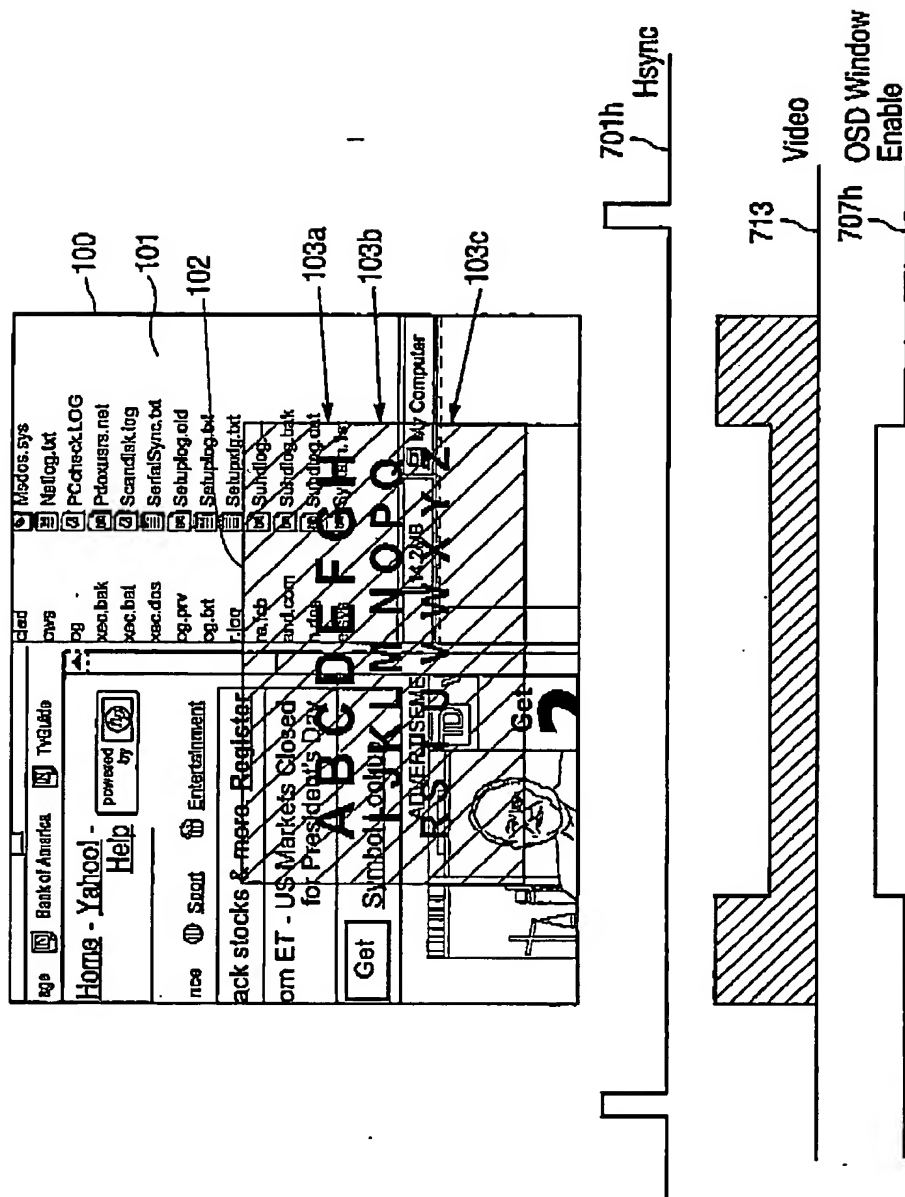


Fig. 17



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NOTICE OF ALLOWANCE AND FEE(S) DUE

DOCKETED

23418 7590 01/27/2005

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

CLIENT NSC

FILE NO.

11461.00.0175

DUE DATE

APRIL 27, 2005

BY OCB DATE 2/1/05

EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 01/27/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,613	07/18/2003	Peyman Hojabri	P05619 (11461.00.0175)	2632

TITLE OF INVENTION: HALFTONE CONTROLLER CIRCUITRY FOR VIDEO SIGNAL DURING ON-SCREEN-DISPLAY (OSD) WINDOW

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	04/27/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

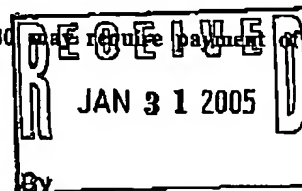
A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,613	07/18/2003	Peyman Hojabri	P05619 (11461.00.0175)	2632
23418	7590	01/27/2005		
VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601				
EXAMINER SAJOUS, WESNER				
ART UNIT		PAPER NUMBER		
2676				

DATE MAILED: 01/27/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 131 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 131 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

10/622,613

Applicant(s)

HOJABRI, PEYMAN

Examiner

Sajous Wesner

Art Unit

2676

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/2003.
2. ☒ The allowed claim(s) is/are 12-23.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 4.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Application/Control Number: 10/622,613
Art Unit: 2676

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DETAILED ACTION

Claims 1-23 are pending in the application. Claims 1-11 are canceled by Examiner's amendment. Thus, claims 12-23 are presented for examination.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark A. Dalla Valle on January 19, 2005.

The application has been amended as follows:

Please delete claims 1-11 without disclaimer.

Drawings

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: please label figures 1 and 2 as "Prior Art". In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings figures filed 7/18/2003 are not in formality for printing (i.e., they are informal). Applicant is advised to employ the services of a competent

Application/Control Number: 10/622,613
Art Unit: 2676

Page 3

patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Allowable Subject Matter

3. Claims 12-23 are allowed over the prior art.

Application/Control Number: 10/622,613
Art Unit: 2676

Page 4

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The present invention is directed to a digital video processing circuitry within which on-screen-display (OSD) information is inserted for display. The digital circuitry imparts halftone to that portion of a video image over which an OSD window superimposed..

The conventional prior art teaches altering the contrast of video image information in coincidence with the introduction of OSD window by implementing digital-to-analog converters (DACs) and analog signal mixers for altering the contrast of the video image information while introducing the OSD information during the OSD window. See at least fig. 2 and its description of the Applicant's admitted prior art.

However, the prior art fail to teach:

a control circuitry that responds to reception of a first reference signal, a halftone control signal, a plurality of contrast control signals and a clamped video signal by providing a first controlled signal with a contrast-controlled video component, wherein said halftone control signal includes first and second signal statuses corresponding to first and second contrast ranges, respectively, for said clamped video signal, said plurality of contrast control signals includes a first portion corresponding to said first video signal contrast range and including, in successive adjacency, a first least significant bit (LSB) signal, at least one first intermediate significance bit (ISB) signal and a first most significant bit (MSB) signal, said contrast-controlled video component, responsive to said first and second halftone control signal statuses, corresponds to said first and

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second video signal contrast ranges, respectively, and said second video signal contrast range is less than said first video signal contrast range, (in conjunction with a first signal combining circuit to combine OSD component; a second control circuitry coupled to the first signal combining circuitry; and a second signal combining circuitry coupled to the second control circuitry that responds to a second combining control signal). Accordingly, the limitations of claims 12-23 of the instant application are allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any response to this action should be mailed to:

Box

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

Application/Control Number: 10/622,613
Art Unit: 2676

Page 6

(703) 308-5359 for informal or draft communications, please label "PROPOSED" or DRAFT")

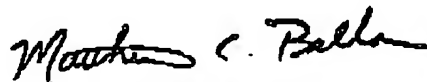
Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesner Sajous whose telephone number is (703) 308-5857. The examiner can also be reached on Mondays thru Thursdays and on alternate Fridays.

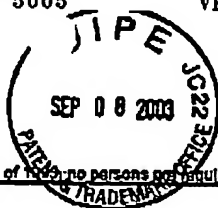
If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

Wesner Sajous -WS-

January 21, 2005



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



PTO/SB/08A (02-03)

Approved for use through 04/30/2003. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1448/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/622,613
Filing Date	July 18, 2003
First Named Inventor	Hojabri
Art Unit	
Examiner Name	
Attorney Docket Number	P05619 (11461.00.0175)

Sheet 1 of 1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.†	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code* (if known)			
US		US- 5,388,247	01/31/95	Shafer et al.	—
		US- 5,568,202	10/22/96	Koo	—
		US- 5,610,664	03/11/97	Robert	—
		US- 5,786,864	07/28/98	Yamamoto	—
		US- 6,166,579	12/26/00	Hojabri et al.	—
		US- 6,476,821 B2	11/05/02	Sawada et al.	—
		US- 6,498,857 B1	12/24/02	Sibbald	—
		US- 09/602,175 (us660371)	06/22/00	Morrish et al.	—
US		US- 09/698,739	10/27/00	Hojabri	—
		US- 10/439,485	05/16/03	Hojabri	—
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.†	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T*
		Country Code* Number* Kind Code* (if known)				

Examiner
Signature

Date
Considered

11/1/05

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. † Applicant's unique citation designation number (optional). ‡ See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. § Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ¶ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. * Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. * Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Communicator for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

1123639

Notice of References Cited

Application/Control No.

10/622,613

Applicant(s)/Patent Under
Reexamination
HOJABRI, PEYMAN

Examiner

Sajous Wesner

Art Unit

2676

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,650,371	11-2003	Morrish et al.	348/569
*	B	US-2004/0001642	01-2004	Curry et al.	382/260
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Title: HALFTONE CONTROLLER CIRCUITRY FOR VIDEO SIGNAL
DURING ON-SCREEN-DISPLAY (OSD) WINDOW

Atty.: Mark A. Dalla Valle

Mailed: February 22, 2005

Atty. Docket: 11461.00.0175 (P05619)

Serial No.: 10/622,613

Filing Date: July 18, 2003

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The stamp of the U.S. Pat. & Trademark Office
hereupon acknowledges receipt of the following:

Response To Notice of Allowance (1 page);
"Replacement Sheets" - Formal Drawings (17 sheets)
SENT VIA FIRST CLASS MAIL



DOCKED

AUG 29 2005

PATENT

Attorney Docket No. P05619(11461.00.0175)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	Group Art Unit: 2676
Peyman Hojabri	)	Confirmation No.: 2632
Appln. No. 10/622,613	)	Examiner: Wesner Sajous
Filed: July 18, 2003)	
For: HALFTONE CONTROLLER	)	RESPONSE TO NOTICE OF
CIRCUITRY FOR VIDEO SIGNAL DURING	)	ALLOWANCE, EXAMINER'S
ON-SCREEN-DISPLAY (OSD) WINDOW	)	AMENDMENT, dated 1/27/2005, Paper
	)	No./Mail Date 4.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of First Class Mailing
I hereby certify that this paper (Response and seventeen (17) sheets of drawings are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Missing Parts, Comm. For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date
2/22/05 Nanette W. Combs
Date Nanette W. Combs

Sir:

In response to the Notice of Allowance mailed January 27, 2005, Examiner's Amendment Paper No./Mail Date 4, Applicant submits the enclosed seventeen (17) corrected drawings labeled as "replacement sheets" according to 37 CFR 1.121(d).

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any overpayment to Deposit Account No. 22-0259.

Respectfully submitted,

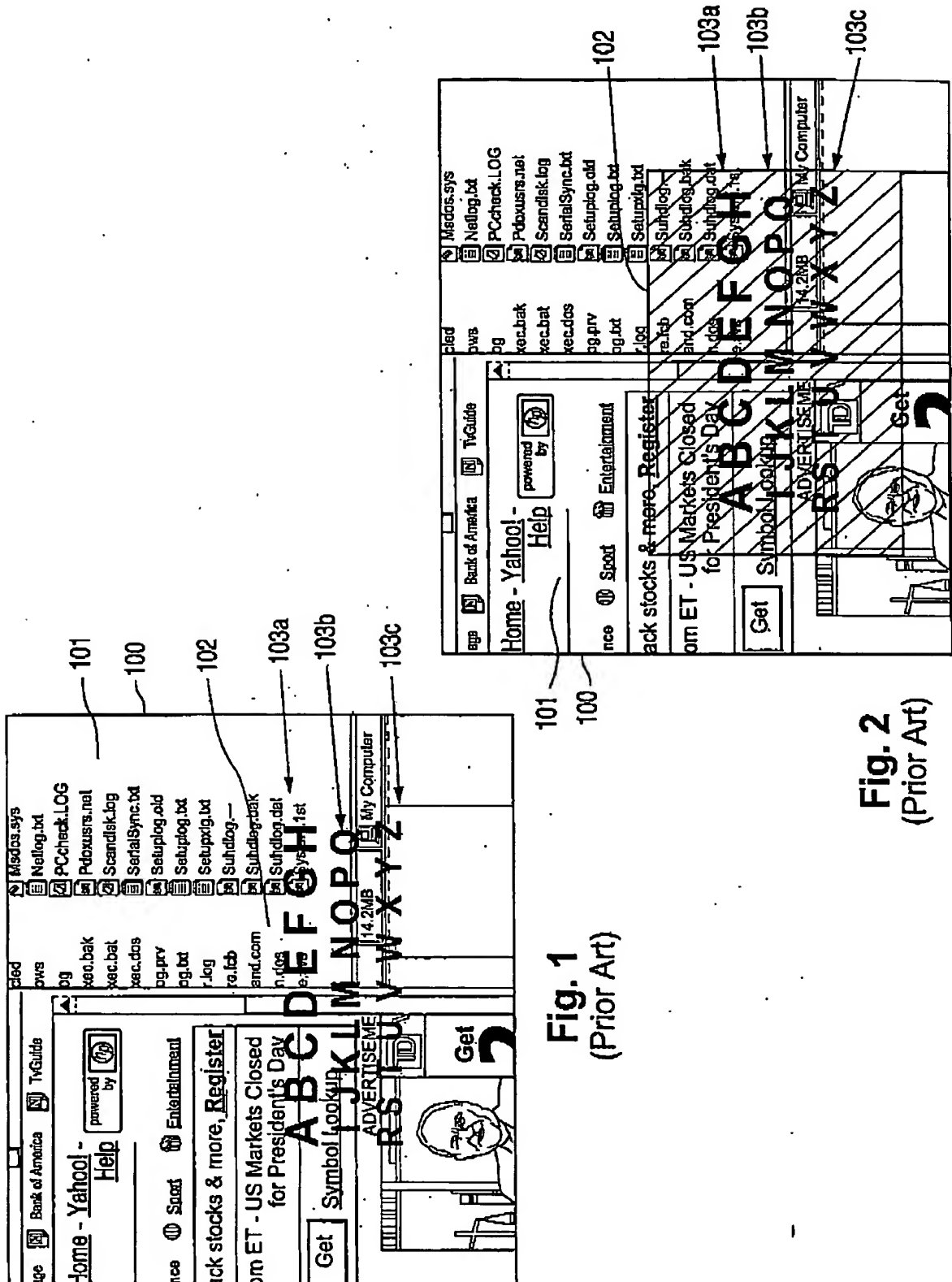
VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.

Date: February 22, 2005By: Mark A. Dalla Valle
Mark A. Dalla Valle
Reg. No. 34,147

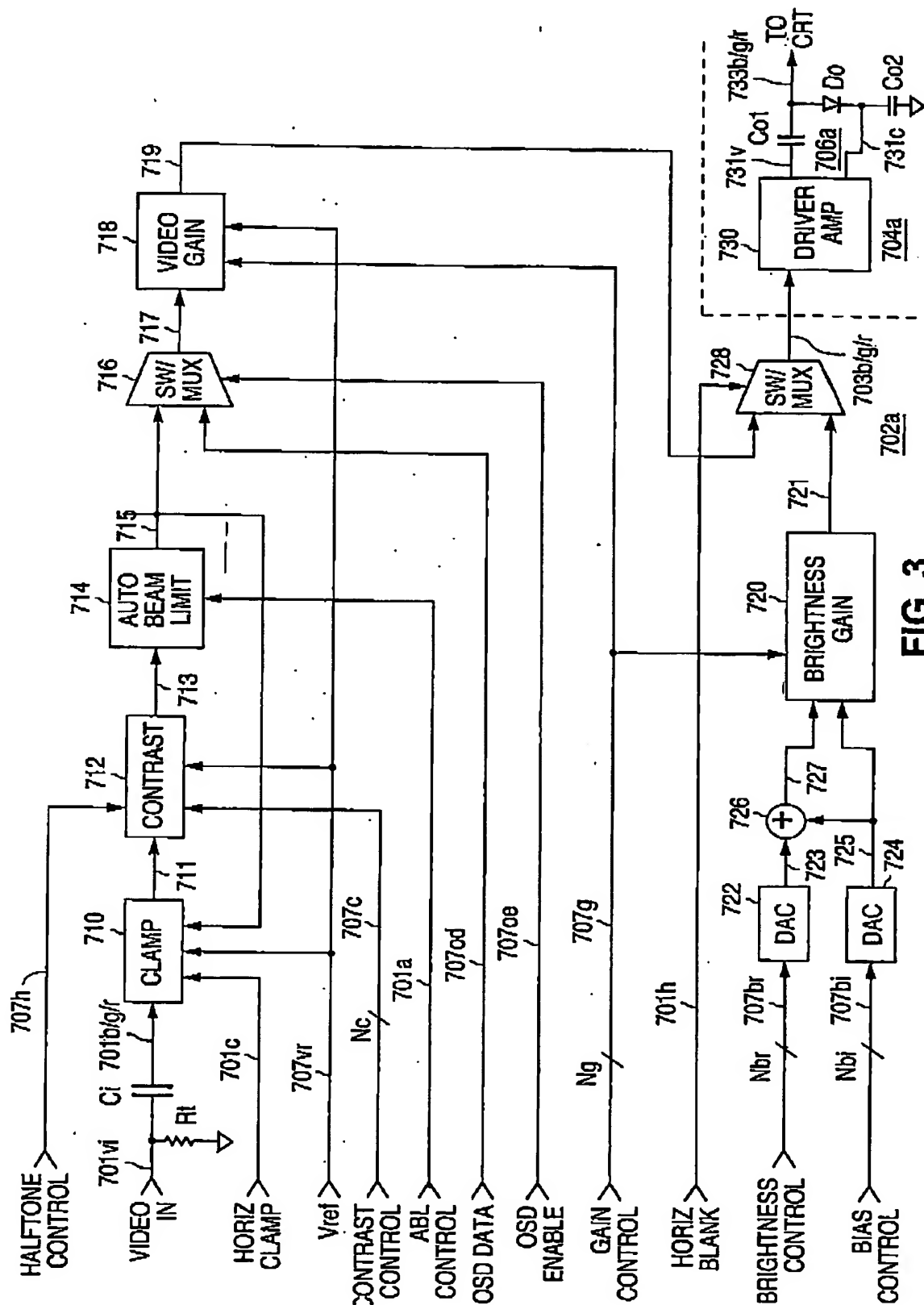
Attorney for Assignee
222 N. LaSalle St.
Chicago, IL 60601
Telephone: 312-609-7500
Facsimile: 312-609-5005
Customer No. 23418

CHICAGO/#1338439.1

Title: Half controller circuitry for video signal during on-screen-disp
(OSD) win. Inventor: Peyman Hojabri App.No. 10/622,6
Atty.Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"



the controller circuitry for video signal during on-screen-
(OSD) low Inventor: Peyman Hojabri Appl.No. 10/62.
Atty.Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"



Tid Stone controller circuitry for video signal during on-screen play
(OSL, window Inventor: Peyman Hojabri ApplNo. 10 J13
Atty.Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"

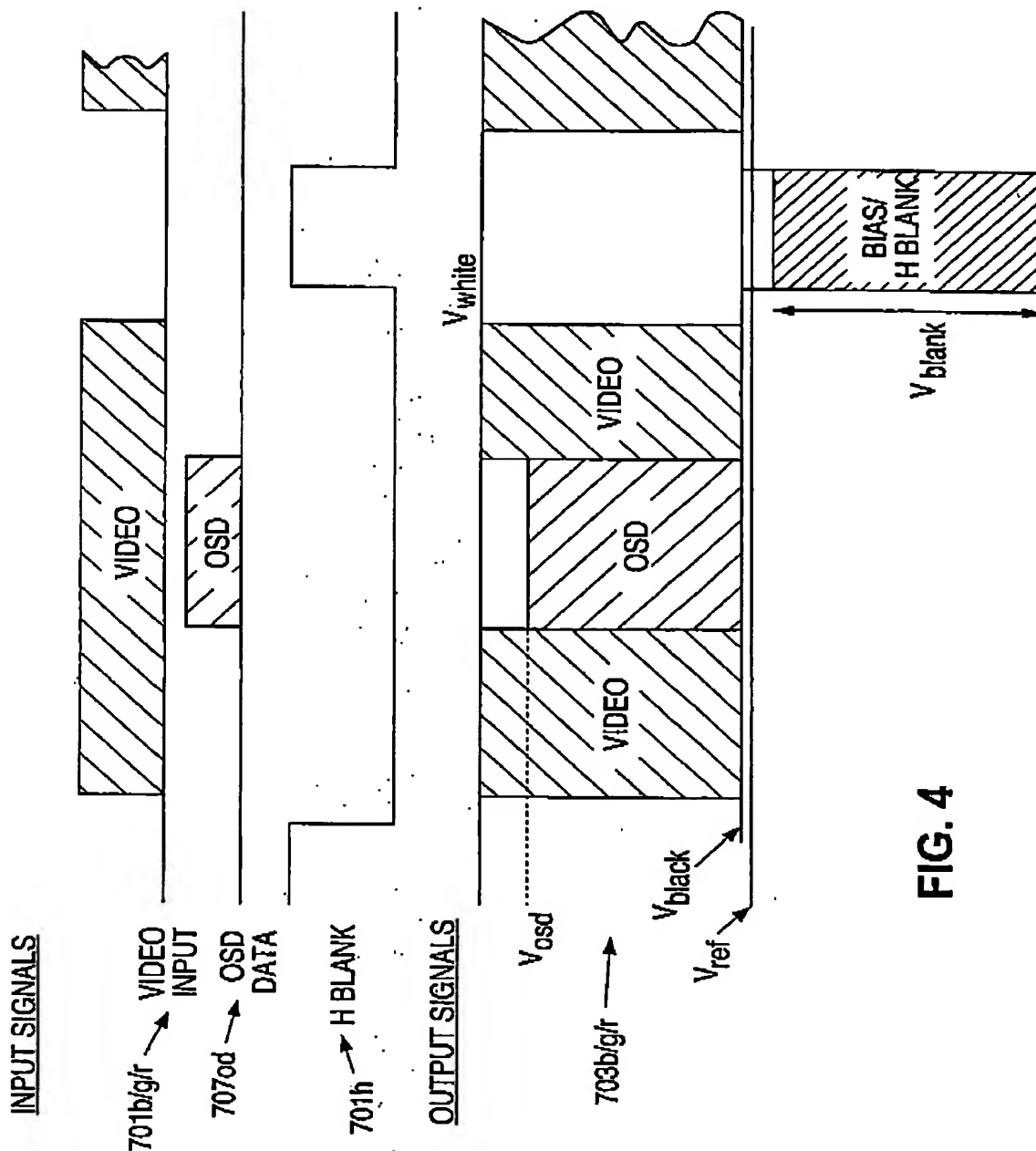


FIG. 4

Title: H: p controller circuitry for video signal during on-screen-d
(OSD) v /w Inventor: Peyman Hojabri Appl.No. 10/622
Atty.Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"

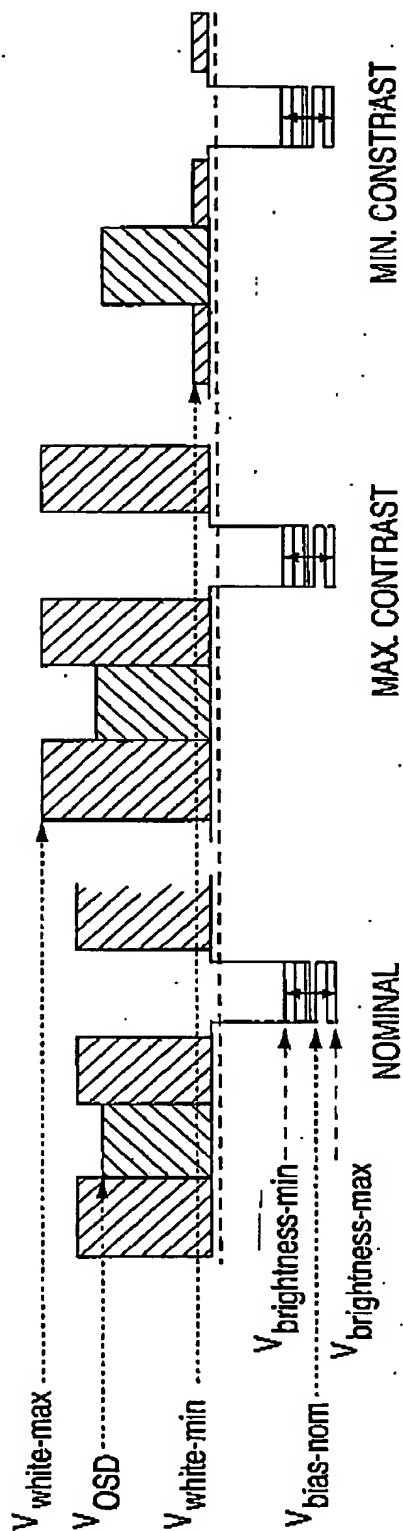


FIG. 5

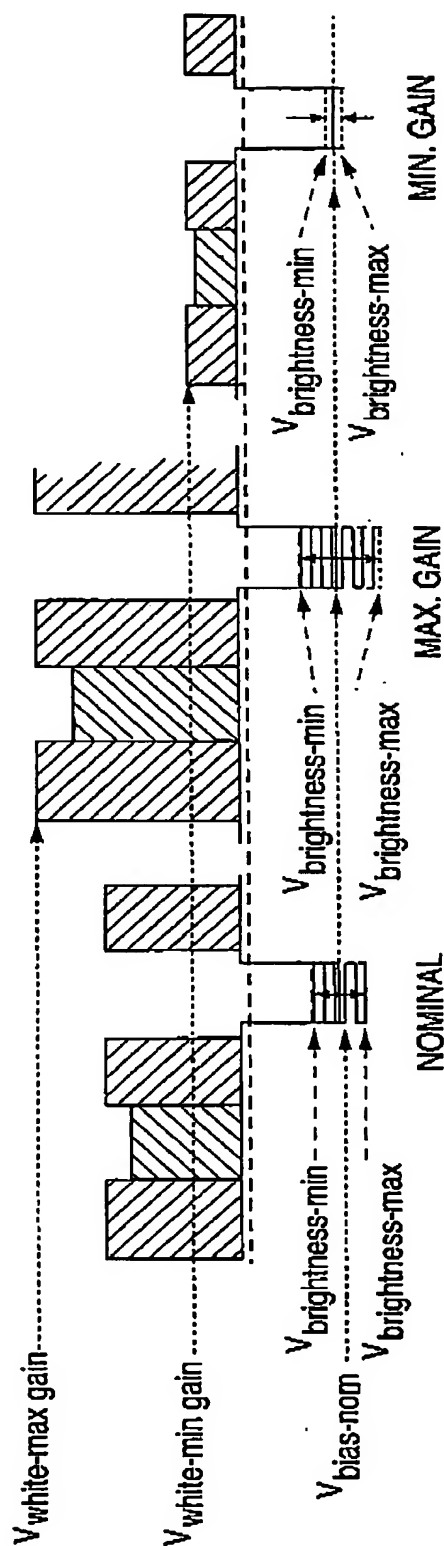


FIG. 6

Title: Half controller circuitry for video signal during on-screen-disp
(OSD) window Inventor: Peyman Hojabri Appl.No. 10/622,611
Atty.Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"

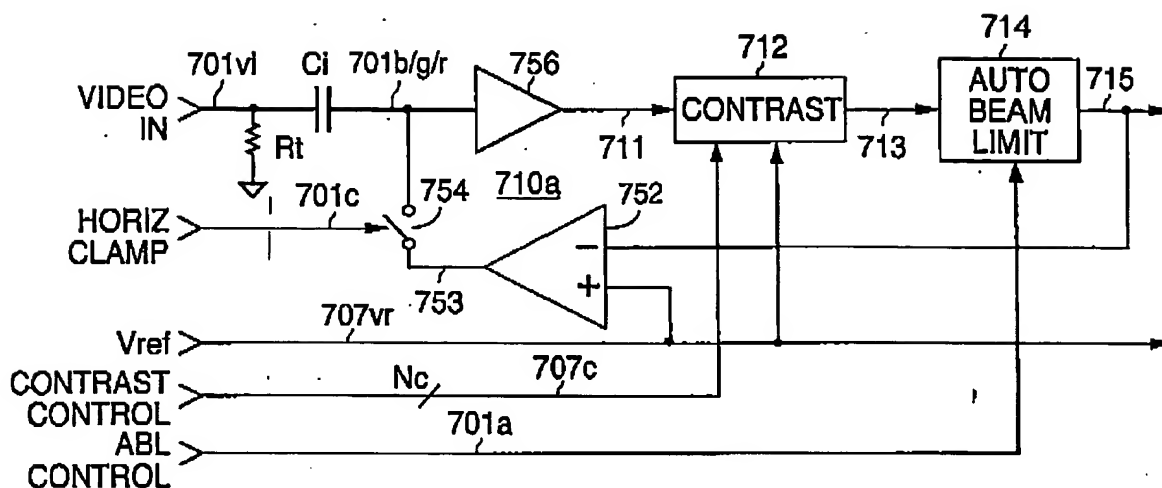


FIG. 7

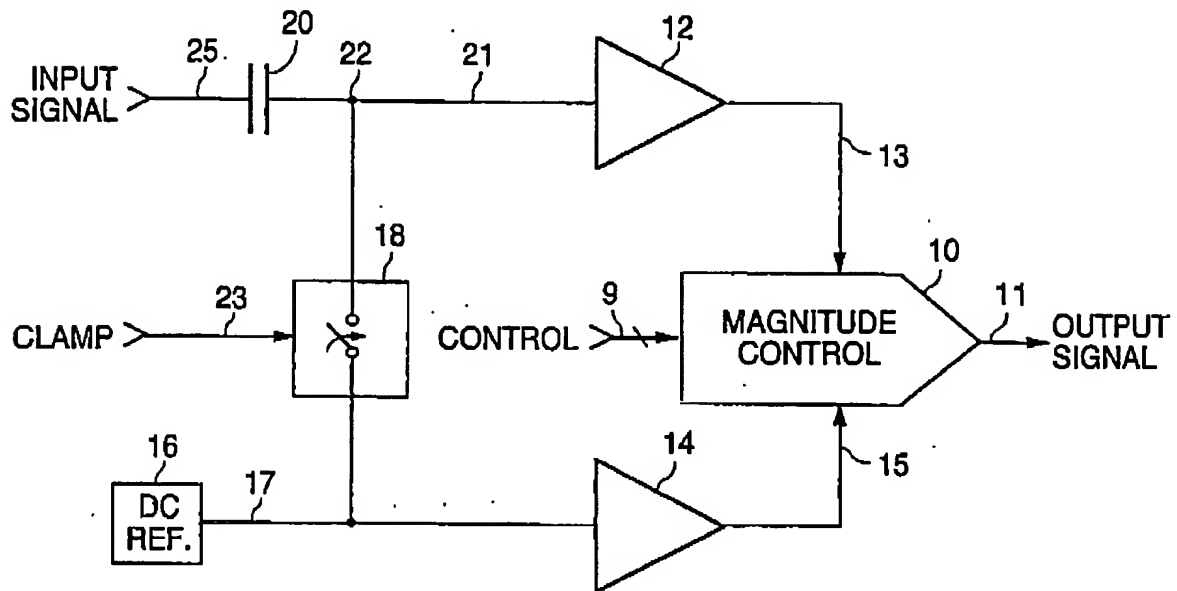


FIG. 8

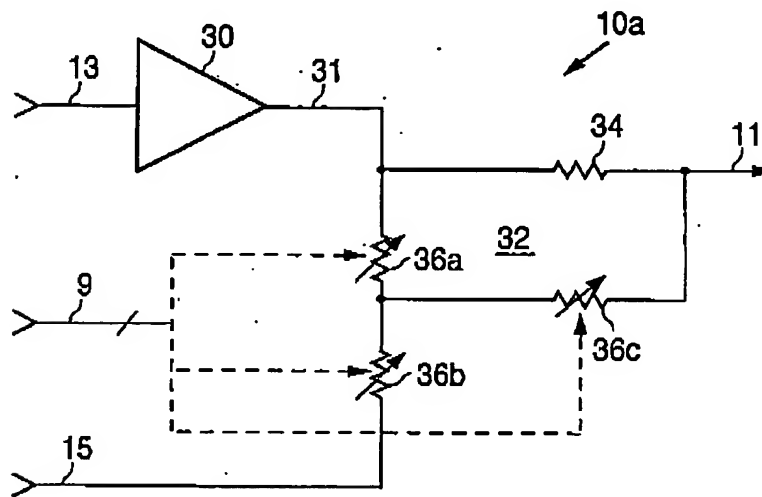


FIG. 9

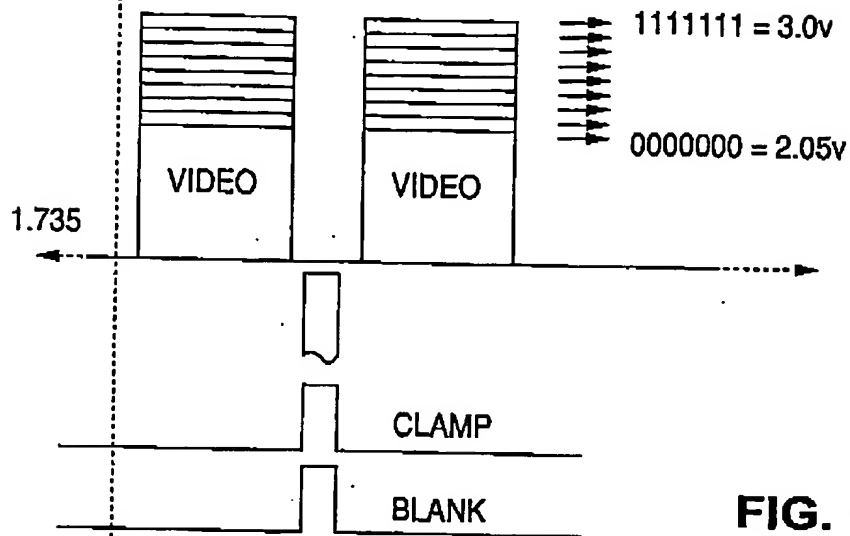


FIG. 10

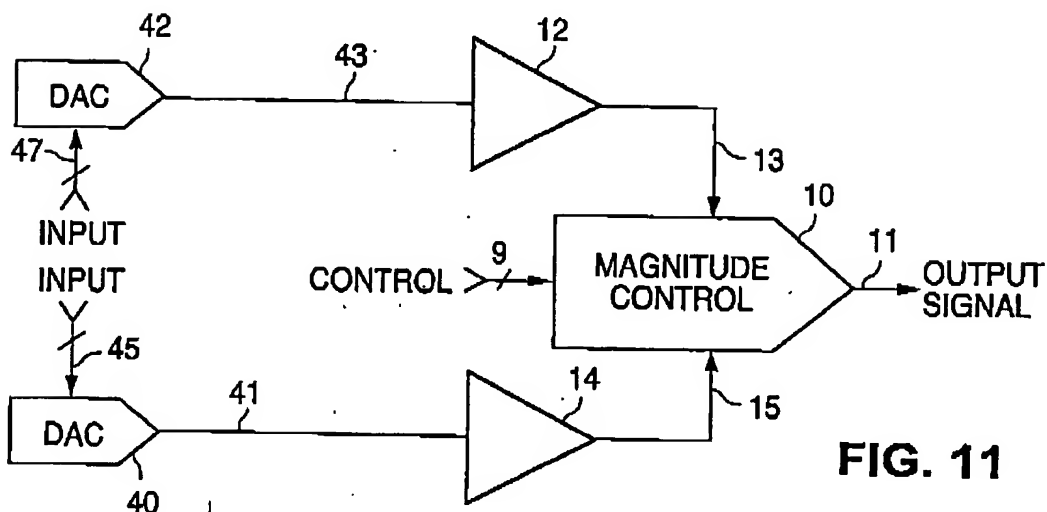


FIG. 11

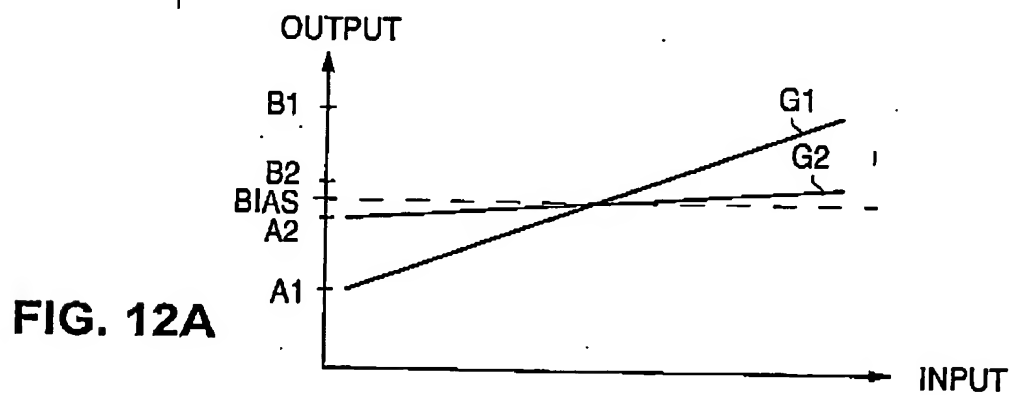


FIG. 12A

Title: Hal: controller circuitry for video signal during on-screen-dis-
(OSD) window Inventor: Peyman Hojabri Appl.No. 10/622,6.
Atty.Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"

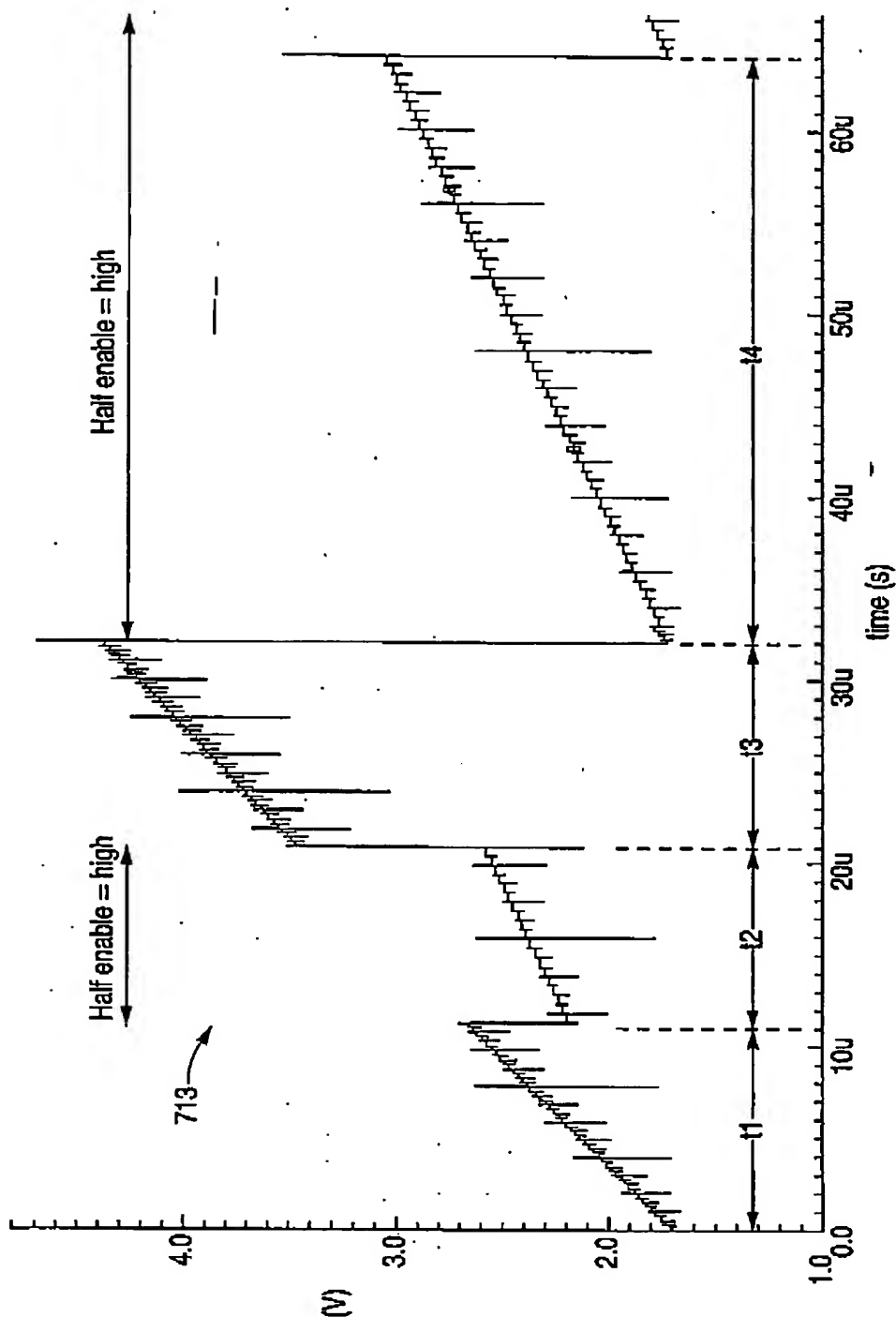


FIG. 12B

Any Docket

05619 (11461.00.0175)

Applicant: 10922,013

"REPLACEMENT SHEET"

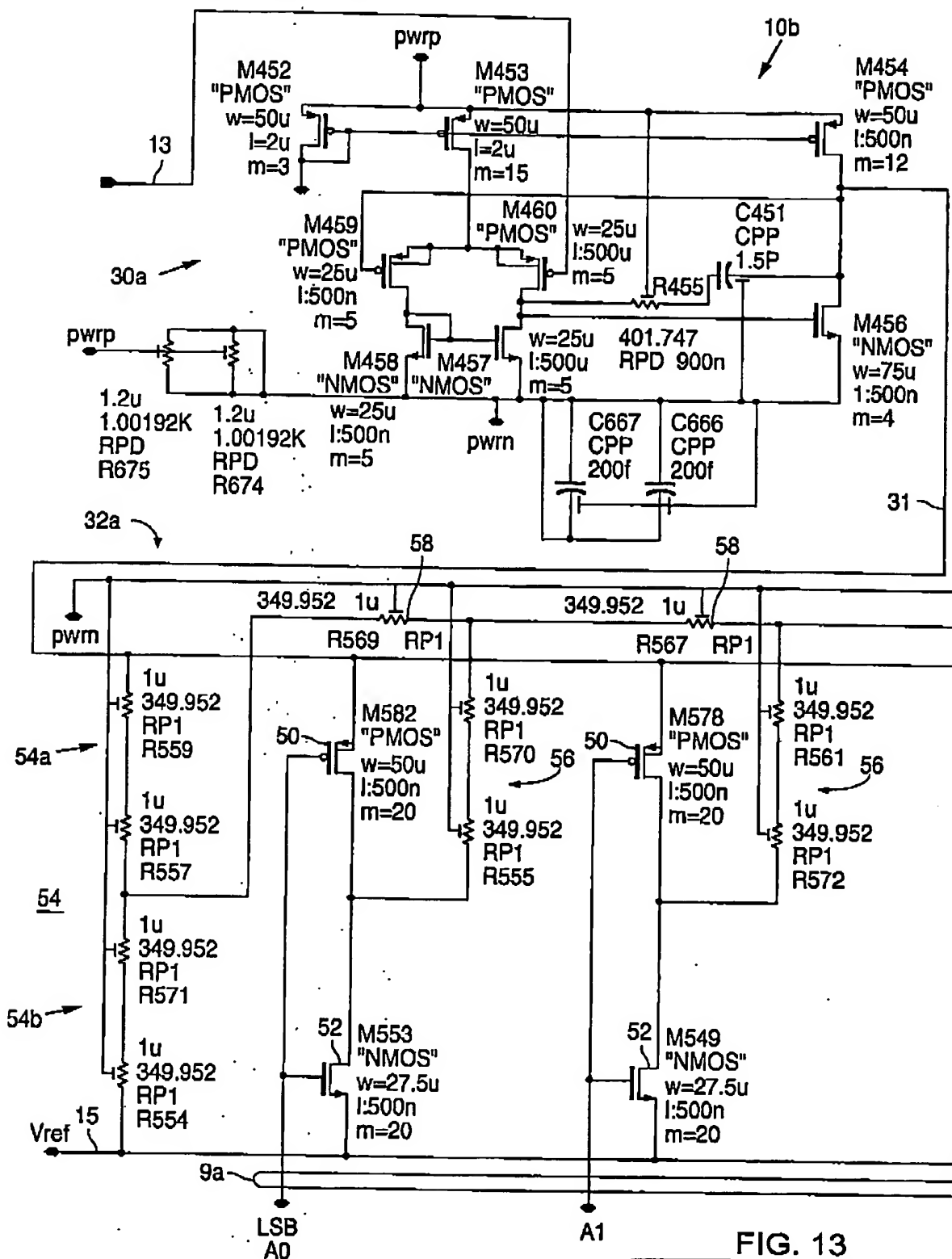
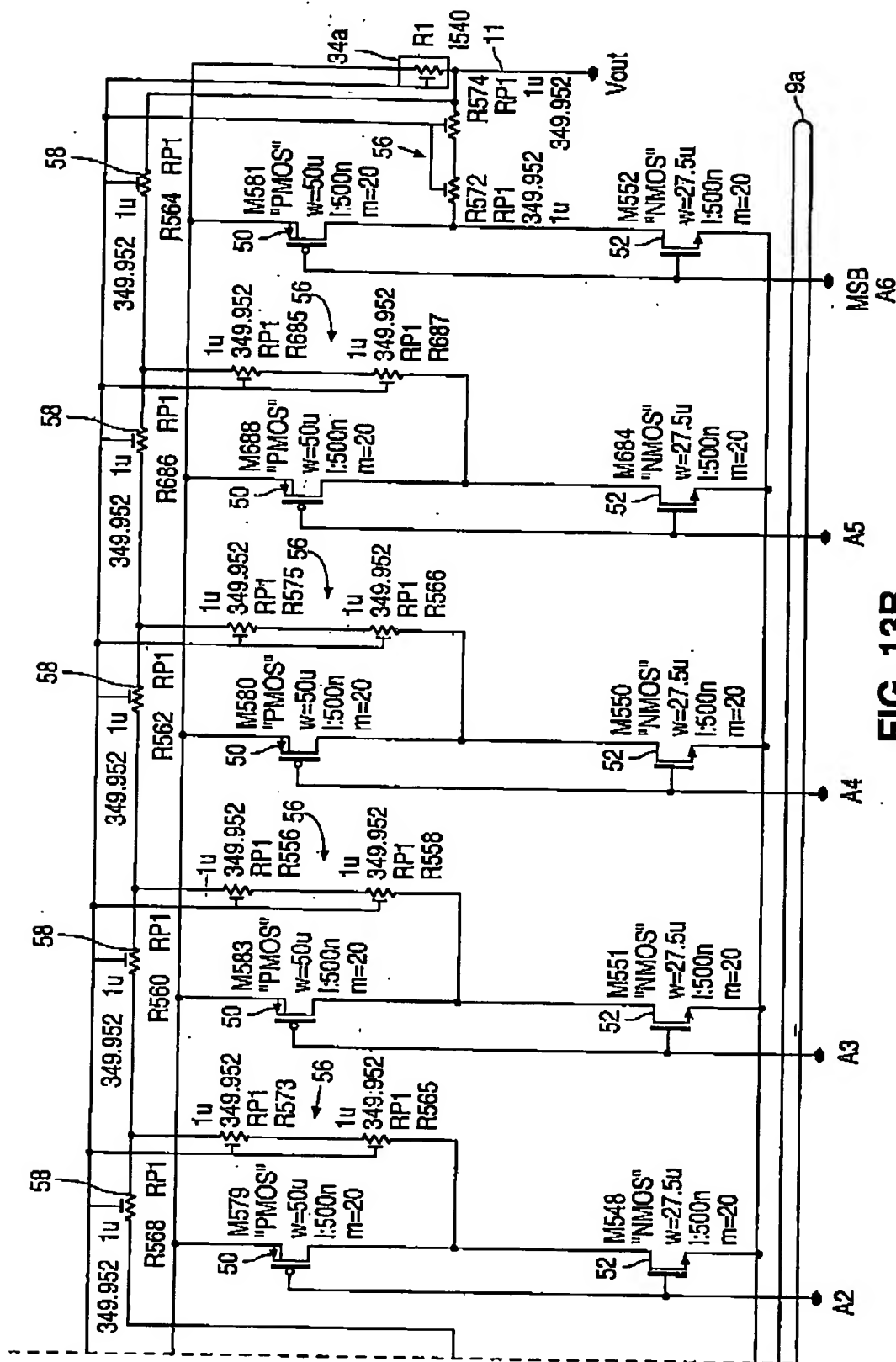


FIG. 13A

FIG. 13B



Til' Idene controller circuitry for video signal during on-scr
 (Oc Window Inventor: Peyman Hojabri Appl.No. 1("play
 Atty.Docket No.: P05619 (11461.00.0175)
 "REPLACEMENT SHEET"

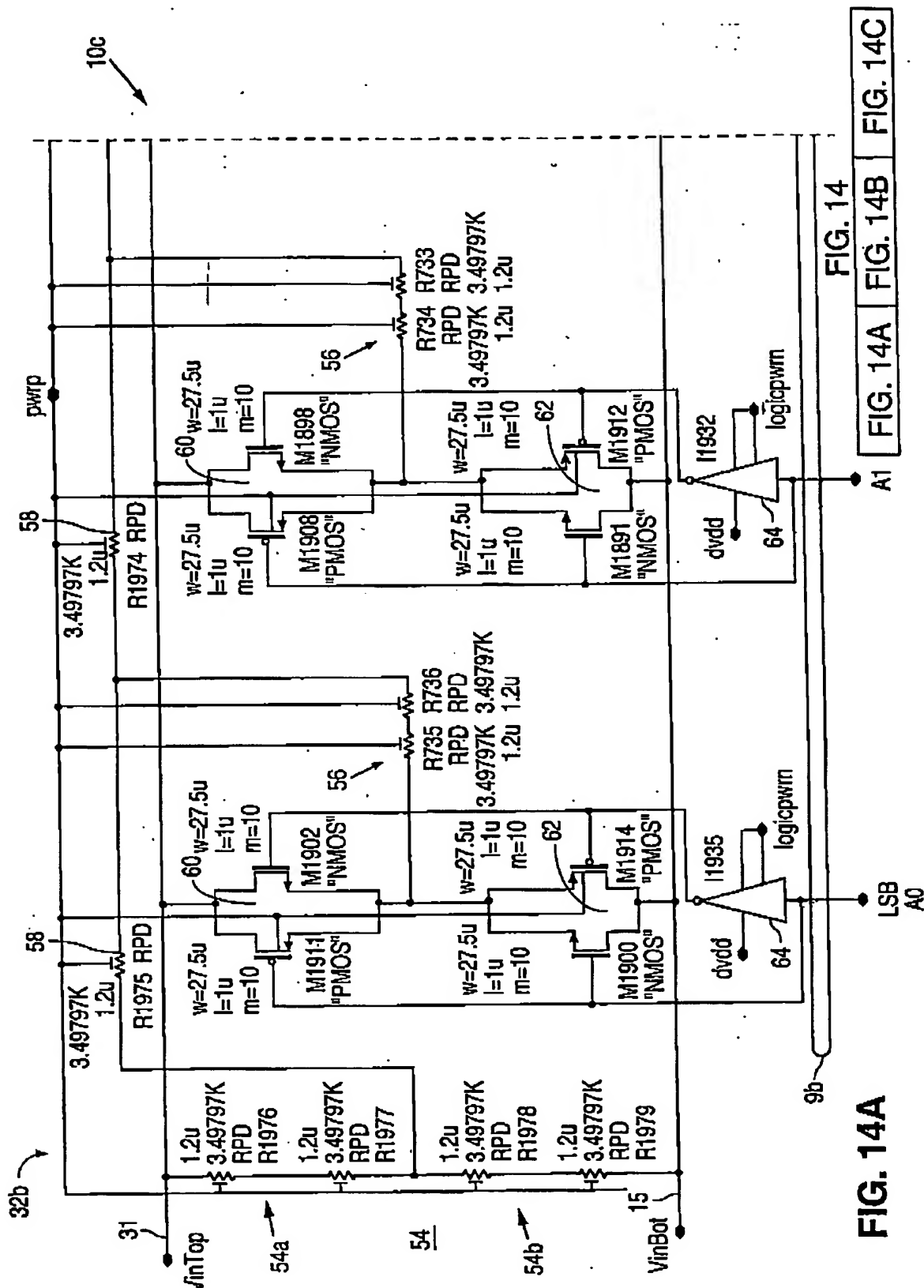


FIG. 14A

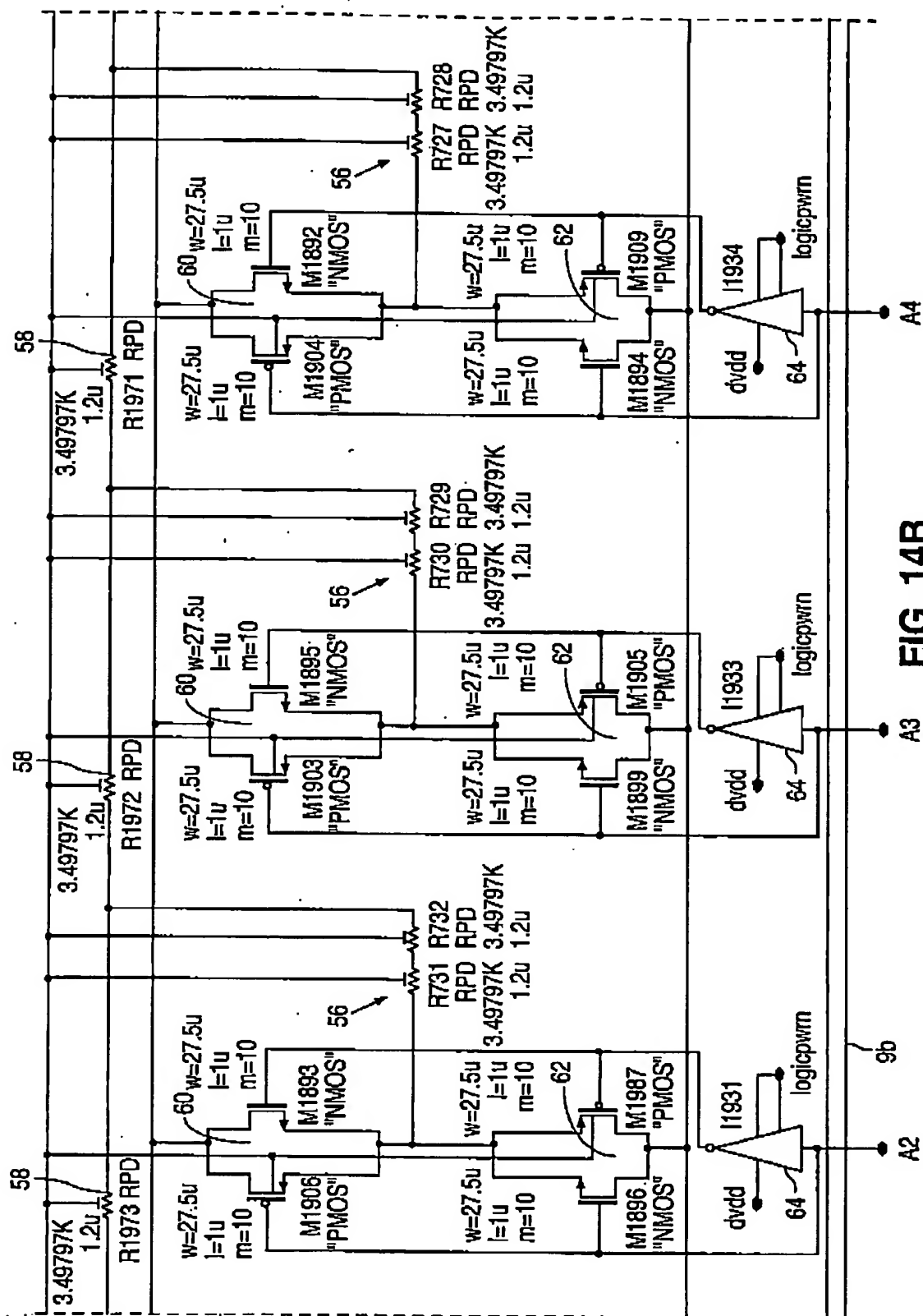


FIG. 14B

Title: Hal controller circuitry for video signal during on-screen-disp
 (OSD) window Inventor: Peyman Hojabri Appl.No. 10/622,611
 Atty.Docket No.: P05619 (11461.00.0175)
 "REPLACEMENT SHEET"

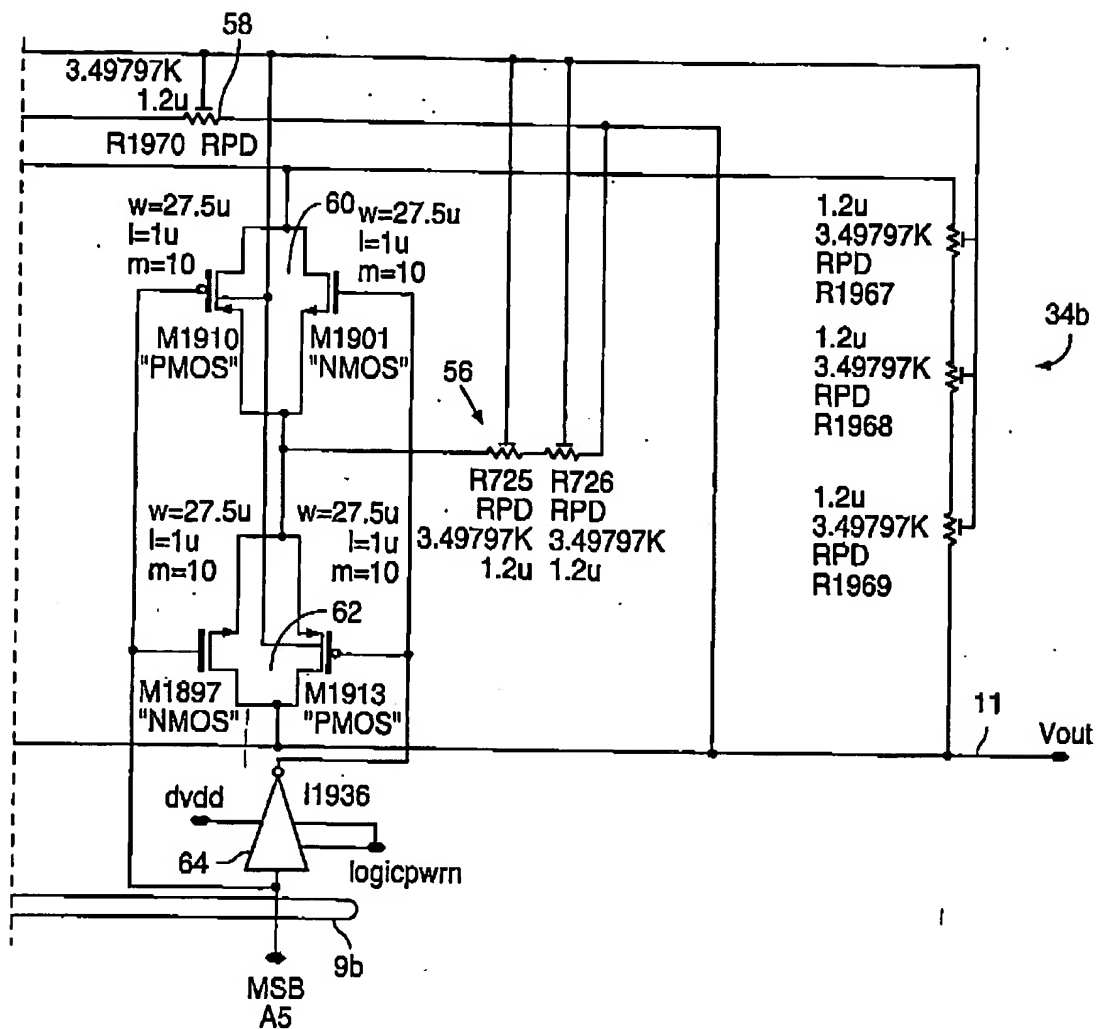


FIG. 14C

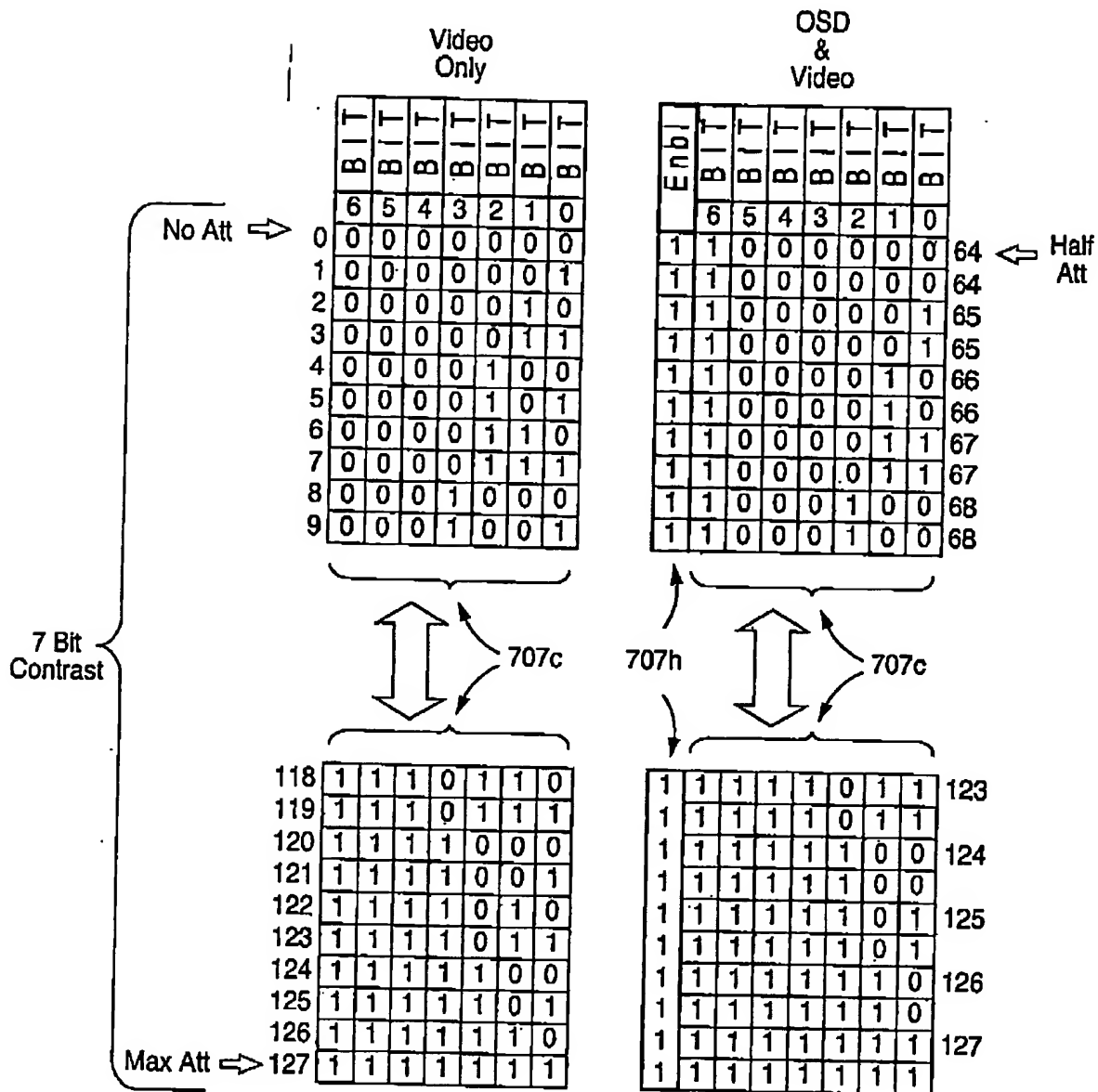


FIG. 15

Title: Tone controller circuitry for video signal during on-screen
 (OSD), window Inventor: Peyman Hojabri
 Atty. Docket No.: P05619 (11461.00.0175) Appl. No. 10/L
 "REPLACEMENT SHEET"

play
 /3

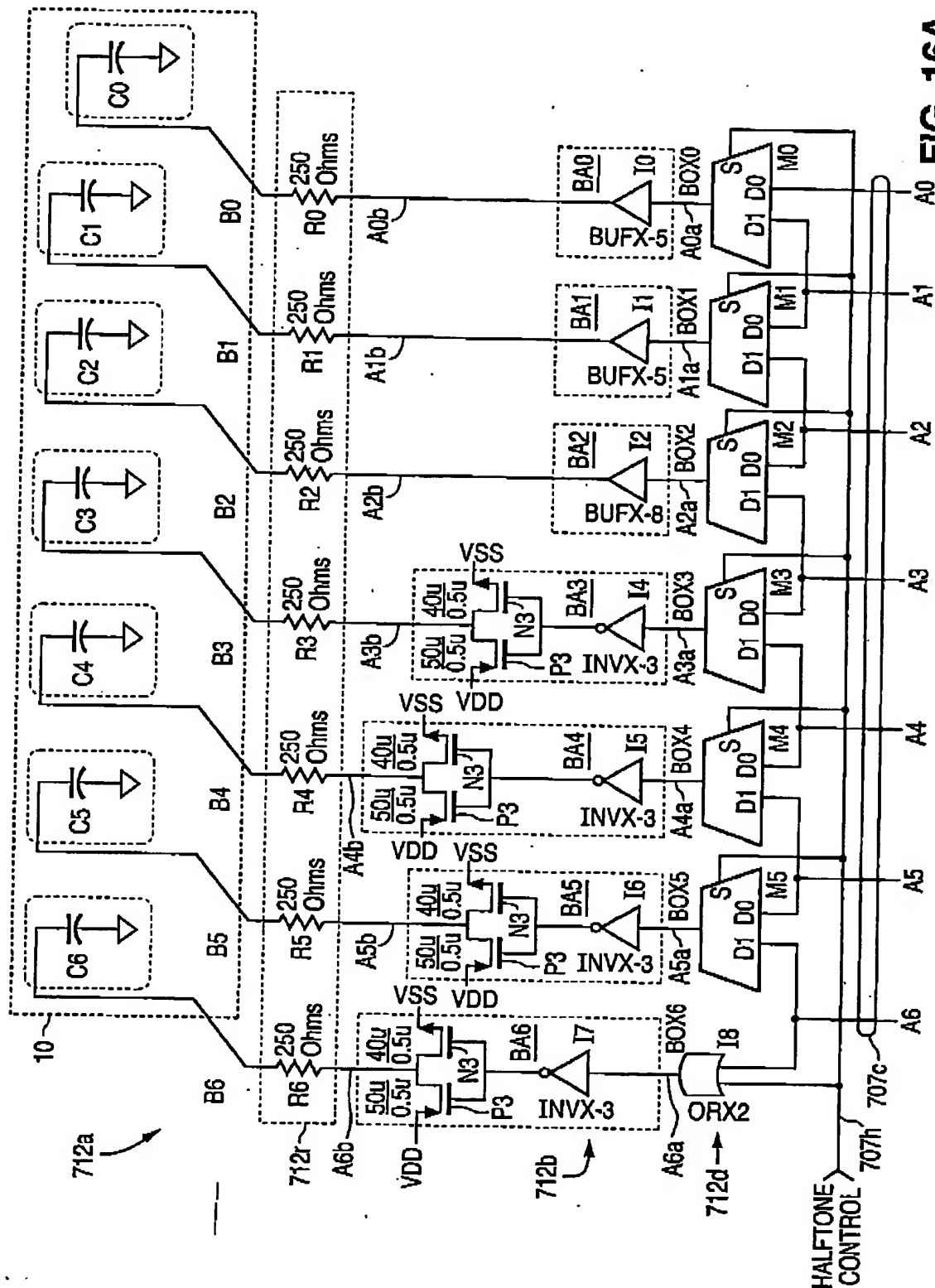


FIG. 16A

TI Halftone controller circuitry for video signal during on-screen display
 (OSD) window Inventor: Peyman Hojajri Appl.No. 1, 613
 Atty.Docket No.: P05619 (11461.00.0175)
 "REPLACEMENT SHEET"

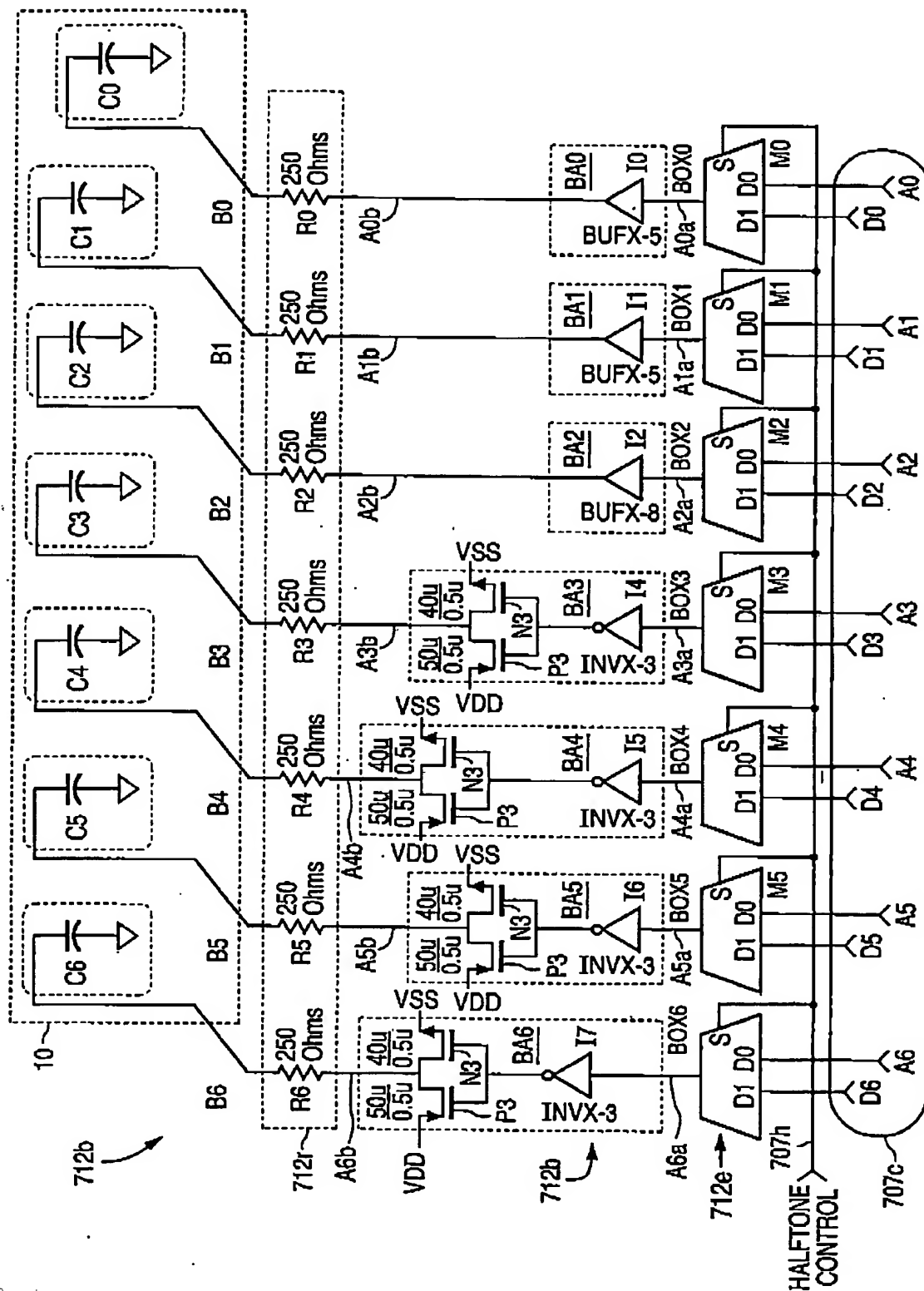


FIG. 16B

3005 VEDDER PRICE KAUFMAN
Title: Ha | controller circuitry for video signal during on-screen-di
(OSD) William W Inventor: Poyman Hojabri Appl. No. 10/622,1
Att. Docket No.: P05619 (11461.00.0175)
"REPLACEMENT SHEET"

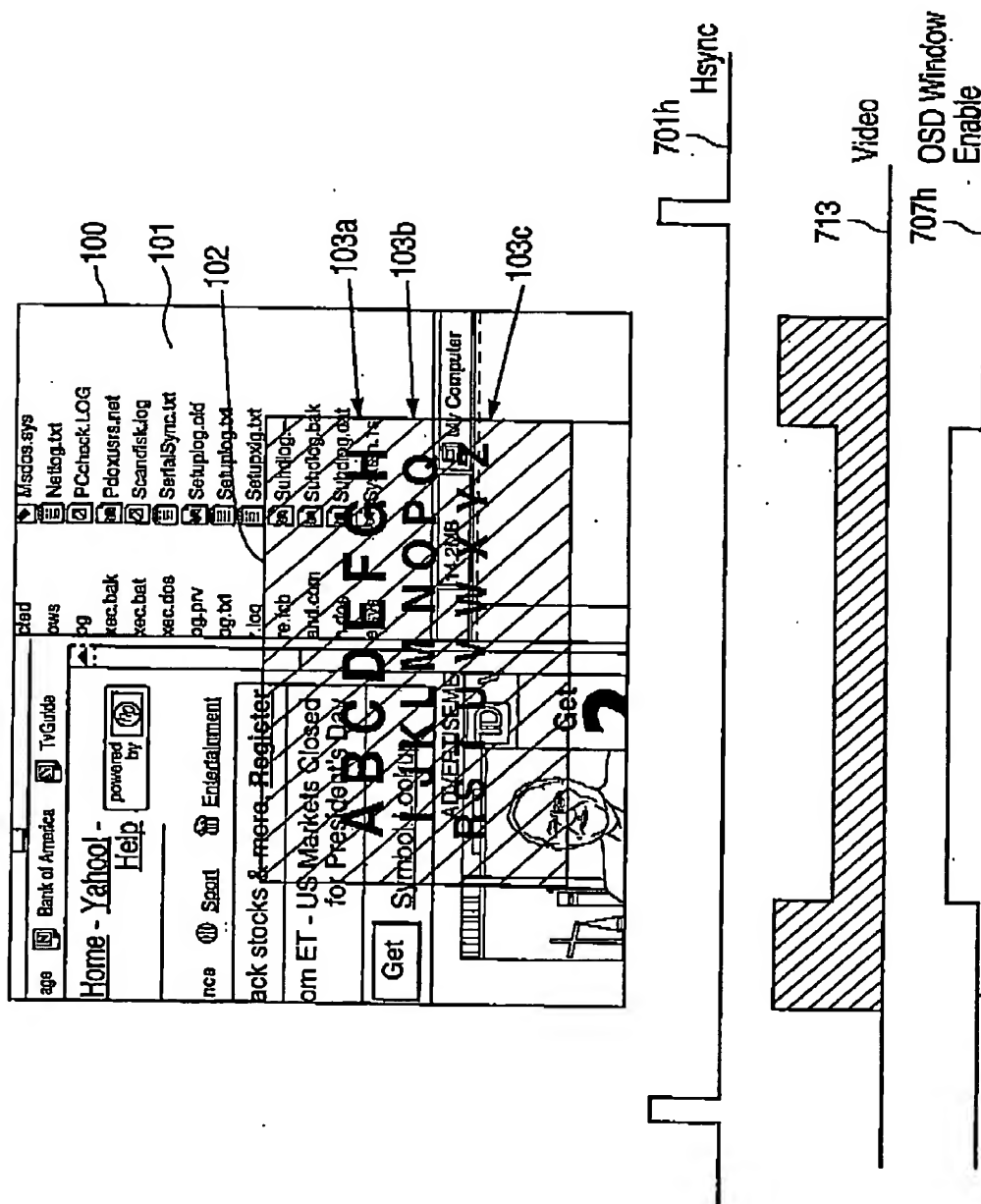


Fig. 17